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THE EVIDENCE OF THE Common and Statute Laws OF THE REALM;

USAGE, RECORDS, HISTORY,

WITH THE

GREATEST AND BEST AUTHORITIES,

DOWN TO THE 3d OF GEORGE THE IIId,

IN PROOF OF

THE RIGHTS OF BRITONS

THROUGHOUT THE

BRITISH EMPIRE.

ADDRESSED TO THE

PEOPLE.

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E R R A T A.

Page 5. line 11. inſtead of---that the legiſlative being is only a fiduciary power.—read *that the legiſlative being only a fiduciary power.*

Page 8. line 19. inſtead of—if we had ſaid—read *if he had ſaid.*

Page 36. line 3 from the bottom. Inſtead of—the bill or grant it preſented to him—read *the bill or grant is preſented to him.*

TO THE

PEOPLE

OF

ENGLAND.

GENTLEMEN,

IF Parliaments are inveſted with an abſolute, unconditional power, why may they not exempt their members from taxation? The right could not legally be conteſted, becauſe their promulged will, is law; which to reſiſt, would be high treaſon. Why may they not paſs an act, aſſerting the dignity, and expence of their ſtations; and that, for the ſupport of the former, and diſcharge of the latter, every Peer of the Realm ſhould have two, and every Commoner one thouſand pounds per annum, with exemption from taxes? And if to this, they voted themſelves and heirs perpetual, they would do nothing but what was right, and has ever, to a

ſimular effect, been done by every uncontroulable, abſolute, unconditional power; from the mighty Nimrod, down to the Elector of Hanover. As to the executive, there are many ways of getting its aſſent, beſides doubling the income of the civil liſt. But here, I would have the Oxonian Lycurgus conſider, that ſhould this doctrine become Catholick, and eſtabliſhed, the revenues of the People would be ſo abſorbed in the *legal* ſupport of their rulers, that the treaſury would not have werewith to reward his, and Shebbeare's *pious* endeavours, in fixing the Government upon ſuch legal, and conſtitutional principles.

But as Parliaments have not gone ſuch lengths, notwithſtanding their tenacioulneſs of what they conceive to be their right.—Notwithſtanding the exorbitant claims of power, made even by each ſeperate ſtate, at various times.—Notwithſtanding the deſires of the conſtituent members (in common with the reſt of their ſpecies) for riches, and power, and their opinion, that what they are rightfully, and lawfully poſſeſſed of, they may uſe at their diſcretion: I ſay, if notwithſtanding all thoſe powerful intereſts to ſtimulate Parliaments, they have not yet gone ſuch lengths, it muſt appear to every man, intermediate to the Bedlamite, the Lunatic, and the perſpicacious Doctor Johnſon, that Parliaments did never conſider themſelves as acting with abſolute, unconditional,

conditional, and uncontroulable power. And in order to get rid of this queſtion for ever, together with the impertinent nonſenſe of that Fungous of literature, who, in mockery of genius and abilities, and in diſgrace of the ſound underſtanding of this nation, has been held up as the mirror of learning, I will mention a ſtatute upon the power of Parliaments, it is the 25th of Henry the VIIIth, cap. 21. which being declarative, and in affirmative of the ancient common law, will at once develop as well the nature, as power of Parliaments.—It aſſerts, "that the realm of En-
"gland is free from ſubjection to all laws, but
"ſuch as have been made within it for its *wealth*,
"or ſuch other, as the *people* of the realm have
"taken at *their free liberty*, *by their own conſent*, to
"be uſed among them; and *have bound themſelves*,
"by long *uſe* and *cuſtom*, to the obſervance of the
"ſame; and that all the accuſtomed, and ancient
"laws of this realm, were originally eſtabliſhed as
"laws by the *ſaid ſufferance*, *conſents*, *and cuſtom*;
"and *none* otherwiſe."

Hence it is evident, that under what ever form, or authority, laws have been enacted, or introduced, they received their binding force from the ſufferance, conſent, and acquieſcence of the people at large; and to make uſe of the ſtrong words of the ſtatute, "*and none otherwiſe.*" Hence alſo, it naturally follows, that any ſtatute,

or law enacted in Parliament, which the people of the realm, I mean the great body of Freeholders, and freemen, ſhould conceive to be not for the wealth, or benefit thereof; and in conſequence withold their ſufferance, or conſent; ſuch witholding would be tantamount to an inſtant repeal. This ſtatute further declares, "that "it ſtandeth therefore with natural equity, and "good reaſon, that the King, the Lords Spiritual "and Temporal, and Commons, *repreſenting* the "whole ſtate of the realm, in the moſt High Court "of Parliament, have full power and authority "to diſpenſe with all *human* laws; and every one "of them, as the quality of the perſons, and mat-"ter ſhall require. And alſo the ſaid laws to ab-"rogate, annul, amplify, or diminiſh, as to "King, Nobles, and Commons of the realm, pre-"ſent in Parliament, ſhall ſeem moſt meet and con-"venient for the *wealth* of the realm." This is the conſtitution, as declared in the 25th, of Henry the VIIIth; in which, it is worthy of obſervation, that the High Court of Parliament, compoſed of King, Lords, and Commons, is deſcribed ONLY AS REPRESENTING the whole ſtate of the realm. And as every perſon converſant with the hiſtory of Henry the VIIIth, muſt ſuppoſe, that a Parliament whereof he was ſo material a branch; and in an act, wherein it

was

was declaring the plenitude of its power, would not deſcribe itſelf as acting a ſubordinate part, if it could conſtitutionally, or even ſafely aſſume another. The legiſlative therefore acting for the people, as their repreſentative, for their wealth, or benefit, as is by the ſtatute declared, do conſequently act under a truſt for the good of the whole ſtate of the realm; and in courſe legalizes, and conſtitutionally grounds the opinion of Mr. *Locke*, and other great writers, "that "the legiſlative being is only a fiduciary power to "act for certain ends; there remains ſtill inherent "in the people a ſupreme power to remove, or "alter the legiſlative, when they find the legiſlative "act contrary to the truſt repoſed in them: for "all power *given with truſt*, for the attaining an "*end*, being limited by that end, whenever that "END is manifeſtly neglected, or oppoſed, the "truſt muſt neceſſarily be forfeited, and the power "devolve into the hands of thoſe that gave it, "who may place it a new, where they ſhall think "beſt for their ſafety, and ſecurity. And thus the "*community* perpetually *retains a ſupreme power* of "SAVING THEMSELVES from the attempts and de-"ſigns of any body, *even of their legiſlators*, when-"ever they ſhall be ſo fooliſh, or ſo wicked, as "to lay, and carry on deſigns againſt the liberties "and properties of the ſubject. For no man, or

"ſociety

" ſociety of men, have a power to deliver up
" their *preſervation*, or conſequently the means of
" it, to the abſolute will and arbitrary dominion of
" another; whenever any one ſhall go about to
" bring them into ſuch a ſlaviſh condition, they
" will always have a right to preſerve, what they
" have not a power to part with; and to rid them-
" ſelves of thoſe, who invade this fundamental,
" ſacred, and unalterable law, of *ſelf preſervation*,
" for which they entered into ſociety; and thus,
" the *community* may be ſaid to be *always the ſu-*
" *preme power*."

It muſt be confeſſed, that Mr. Juſtice Black-ſtone, though he ſeems to admit the principle in theory, ſays—" we can not adopt it, nor ar-
" gue from it, under any diſpenſation of Govern-
" ment at preſent exiſting; for this devolution of
" power to the people at large, includes in it, a
" diſſolution of the whole form of Government
" *eſtabliſhed by that people*; reduces all the mem-
" bers to their original ſtate of equality, and by
" annihilating the ſovereign power, repeals all
" laws before enacted. No human laws will
" therefore ſuppoſe a caſe, which at once muſt
" deſtroy all law, and compel men to build afreſh
" upon a new foundation; nor will they make
" proviſion for ſo deſperate an event, as muſt ren-
" der all legal proviſions ineffectual. So long

" therefore

" therefore as the Engliſh Conſtitution laſts, we " may venture to affirm, that the power of Parlia- " ment is abſolute and without controul."

As to the Reverend Judge's aſſertion, that we cannot adopt Mr. Locke's opinion, or argue from it, under the preſent diſpenſation of Government, I preſume the contrary has been made appear out of the ſtatute above recited; which, by declaring the nature of the legiſlature to be repreſentative, and its end, the Public Good; when it alters the one, and departs from the other, it ceaſes to be that which the people made it, and becomes a ſelf-created monſter, that has converted the conſtitutional repreſentation of the people into a Tyranny, and thereby diſſolved the whole frame of government: but as the people of the realm, by the above ſtatute, are not ſubject to any laws, except ſuch as are made within it for its wealth, or ſuch other as they have taken at their free liberty, by their own conſent, this converſion of legal Government into a Tyranny, not being for the wealth of the realm, or done with the free liberty, and conſent of the people, they are not ſubject to it. Here then is a ſtatute in direct oppoſition to the learned Judge's aſſertion, as is alſo that fundamental principle of our conſtitution.—Salus populi, ſuprema lex.—The ſafety of the people

is

is the ſupreme law: being the rule by which all others are to be tried. And as Mr. Locke's opinion is in perfect conformity with, and does as neceſſarily ariſe out of it, for its preſervation, as the centripetal, and centrifugal forces, for that of the mundane ſyſtem: it is to be marvelled at, that ſo very learned, able, and candid a writer, as the author of the Commentaries on the Laws of England, ſhould endeavour to explode this right, clearly inferred both from common and ſtatute law; founded upon the moſt juſt and neceſſary principle of ſelf defence, the great law of nature; and without which, all other rights would be illuſory, and nugatory.

Mr. Blackſtone, in ſupport of his aſſertion, ſays,—"that this devolution of power to the "people at large, includes in it, a diſſolution of the "whole form of Government eſtabliſhed by that "people." If we had ſaid, that the breach of truſt cauſed the diſſolution, which is Mr. Locke's aſſertion; ſee Commentaries, chap. 2. and then argued againſt it, he would have been more candid: but this he could not conſiſtantly do, having, by adoption, but a few pages further in the ſame chapter, made this very theory his own.

As to the diſſolution of Government, "repealing all poſſitive laws before enacted," hiſtorical facts eſtabliſh the contrary.—William, Duke

Duke of Normandy, in one battle, conquered, and cut off almoſt the whole legiſlature of this country; the conſequence of which was, an inſtant reproduction or iſſue of another, at the head of which this very William was placed as King, by the conſent of the people, when he bound himſelf by a ſolemn oath to preſerve the *rights* of the church, and to govern according to the *laws of the realm:* from which, it muſt appear that the rights of the church, and the laws of the realm, were *not* repealed by the diſſolution of government, but continued in full vigour, as will further appear from the ſeveral charters of the ancient Saxons being pleaded, and allowed, and titles made by them to lands, liberties, franchiſes, and regalities, affirmed and adjudged under William I.—Again, when James the IId, by a ſeries of tyranny, abdicated the government, diſſolved the Parliament, threw the Great Seal into the Thames, to prevent the calling of another, and fled out of the realm, what was the conſequence? Another legiſlature was elected by the people at large; at the head of which, as an ETERNAL MONUMENT OF THE GRATITUDE OF ENGLISHMEN, they placed as King their glorious Deliverer, William Prince of Orange; and in the very inſtrument which conveyed the Crown, after

enumerating the black deeds of the tyrannical Stuart, the Lords and Commons, as they declare being a FULL and FREE repreſentation of the people, paſſed the declaration of rights, and then diſpoſed of the Crown.

From which facts it is evident, that by the Parliament's being diſſolved, and the King fled the realm, there did not remain even a ſhadow of the very frame of government; and yet the laws were not repealed, being all in force to this moment, except ſuch as have been annulled by ſubſequent ſtatutes.

And as all Mr. Blackſtone's arguments are founded upon this ſuppoſed repeal, that bottom being deſtroyed, they become the phantom of the brain.

Judge Vaughan, a great law authority, was ſo far from thinking a diſſolution or annihilation of the High Court of Parliament repealed all poſitive laws, that he roundly aſſerts, that we have had laws made in this country, without the aſſiſtance of any, or all of the Parliamentary branches, and conſequently muſt have been made or adopted by the immediate will of the people. His words, ſpeaking of our fundamental laws are, " the laws of England were " never the dictates of any conqueror's ſword, or " the placita, or good will and pleaſure of any

" King

" King of this nation, or to ſpeak *impartially* and " *freely*, the reſults *of any Parliament* that ever ſat " in this land."

But if to this we bring in aid the learned author of the Commentaries own reaſoning; we will even ſatisfy him, that the power of the people is alone abſolute and without controul; and that all other powers are but dependencies upon this ſupreme power. Chap. 2d. Commentaries, he ſays, " the whole form of government " was eſtabliſhed by the people; and if it was " deſtroyed, they would have to build afreſh." Again ſpeaking of an Act of Parliament, he ſays, " that no power inferior to that which " made it, can alter, annul, diſpenſe, ſuſpend, " or repeal it." His reaſons, " for it is a maxim " in law, that it requires the ſame ſtrength to " diſſolve, as to create an obligation." This then being the legal criterion to judge by, if the reverend Judge will but apply it to the legiſlative, he muſt admit that the *ſtrength*, that is, *the people at large* that created it, can diſſolve it, and ſet up another; and ſo on, *ad infinitum*, till they have gotten one that will not enact *murder*, *famine*, and *rapine*, together with the *enſlaving* the *ſouls and bodies of men* to be civil government. Wherefore, ſince Mr. Blackſtone has laid it down as a rule in law, which, ſince

the days of Adam was a rule in reaſon, viz. that it requires the ſame ſtrength to diſſolve, as to create an obligation; we have law, reaſon, and the learned author of the Commentaries, in ſupport of our aſſertion, that the legiſlature of England, conſiſting of King, Lords, and Commons, do not act with an abſolute, uncontroulable power; becauſe the people at large being the power that created them, they muſt act for the end of that creation (i. e.) the public good, elſe the PEOPLE may *diſſolve* them, AND ELECT ANOTHER. And to this effect, in the debates between the Lords and Commons, it is ſaid, "the government and magiſtracy are *under a* "*truſt*; and acting *contrary* to that truſt, *is a re-* "*nunciation of that truſt*; for it is a plain declara- "tion by act and deed, though not in writing, "that he who hath the truſt, and acting contrary is a diſclaimer of it."

And the judicious Hooker in his Eccleſiaſtical Polity, "Sith men naturally have no full and "perfect power to command whole politic mul- "titudes of men, therefore utterly without our "conſent, we could in ſuch ſort be at no man's "commandment living; and to be commanded "we do conſent, when that ſociety, whereof we "are part, hath at any time before conſented,

"*without*

" *without revoking the ſame after, by the like uni-*
" *verſal agreement.*"

Again, " Howbeit, laws do *not take* their " conſtraining *quality* of ſuch as deviſe them, but " from THAT POWER which doth give them the " ſtrength of laws. Laws they are not, therefore, " which public approbation hath not made ſo.

From all which we may with confidence aſſert that the idea of an abſolute, unconditional, and uncontroulable power, reſiding any where out of the great body of freeholders and freemen, is contrary to the common and ſtatute law of the land,—the law of nature, the firſt principle of which is ſelf-preſervation; and of reaſon, it being the groſſeſt abſurdity to ſuppoſe, that any body of men would delegate to another body, a right to impoveriſh or deſtroy themſelves; or to ſpeak more pertinently, that the wiſeſt and greateſt people on the earth ſhould take from amongſt themſelves, a few of their fellows, and ſay—to one, you ſhall be King, to ſome, Lords, to others, Commons, but to all, you ſhall be abſolute, unconditional and uncontroulable maſters over our lives, liberties, and fortunes, together with thoſe of our poſterity; and from this day, forward, we conſequently become moſt truly and abſolutely your ſlaves. We make uſe of the terms, moſt truely and

and abſolutely, to contradiſtinguiſh the ſeverity and unchangeableneſs of Engliſh ſlavery, from the mildneſs and changeableneſs of that of the blacks in the Weſt-Indies. They being detained againſt their wills, and the laws of nature, their *chriſtian* and *humane* maſters think they appeaſe God with their conſciences, by allowing them eight hours out of every Sunday to acquire a little property for themſelves; which in the courſe of twenty or thirty years, with the aſſiſtance of friends, may enable them to purchaſe their freedom; whereas, we being voluntary ſlaves, you are not anſwerable to God, and your conſciences, for our ſituation. Our labour being therefore your property, there remains no hope of emancipation for us, but in *death*.

If this would not be the condition of the people of England, under a Parliament that was abſolute, unconditional, and without controul, thoſe words convey no ideas.

What effect ſuch a power would have in this country, we may learn from its operation in another.—The Decemviri of Rome were elected by the people for one year, in order to compoſe a body of laws; but under the ſpecious pretence of adding two more tables to the ten already promulgated, got their power continued for

for another, which being expired, inſtead of diſſolving themſelves, they, *by their own votes, and in defiance of the diſcontents and murmurings of the people, continued their authority*, annulled the old law of an appeal to the people, and having *thereby* raſed the fence againſt arbitrary dominion, made their power abſolute, unconditional, and without controul. The Romans ſeeing that their ſervants, by converting themſelves into their maſters, had erected a tyranny, deplored their unhappy fate, poured in complaints from all parts, but aſſiſtance from none. Thus becoming *ſlaves* at home, they were *deſpiſed* abroad; *their dependencies* ſpurning the dominion of wretches *who had not the courage* to reclaim their own liberties, the Sabines and Æquians invaded their territories, routed their armies wherever they met with them, *the ſoldiers running away* before the enemy, ſuffered moſt ſhameful defeats; which loſſes and diſgrace, ſo far from moving *the traitors* to reſign, ſeemed rather to render them *more obſtinate* in their diabolical meaſures; murder, rapine, and debaucheries of every kind being in Rome the daily and natural iſſue of this abſolute, unconditional, uncontroulable legiſlature; whilſt in the field the ſoldiers being diſpirited, diſaffected and unhappy, ſuffered themſelves to be ſlaughtered,

tered, or driven like ſheep before their enemies. At length, wearied out with a variety of oppreſſions, they were convinced that death was preferable to living under a legiſlature without controul, and conſequently were eaſily rouſed to aſſert their liberties, by the conduct of Virginius, who finding his daughter Virginia, a young lady of great mental and perſonal accompliſhments, ſeized upon by one of the *unaccountable* law-givers, for the purpoſe of gratifying his brutal luſt, plunged a poniard in her breaſt, as the only reſource left, under ſuch a government, to preſerve her chaſtity, and his family from diſhonour. The people no ſooner determined upon an exertion of their natural power, than theſe abſolute, unconditional, uncontroulable legiſlators were hurled from the tribunal they had ſtained with ſo much blood, pollution, and rapine; liberty and property were reſtored, and with them private happineſs and public proſperity.

From all which it muſt appear, that the Romans conceived their free government to be turned into a deſpotiſm, the inſtant the votes paſſed the Decemvirate for prolonging their power, and abrogating the appeal to the people. Then, and not till then, did their legiſlative (in our modern language) become abſolute,

uncon-

unconditional, and without controul; the conſequence of which, all Roman authors aſſert, to be every calamity a people could feel. At home, they were ſubject to uncontrolable luſt, uncontrolable avarice, and uncontrolable ambition; to the firſt, fell a victim their wives and daughters; to the ſecond and third, male and female of every rank, and every age; till at length, the whole City became a brothel, and ſhambles.—Abroad, the Roman dependencies, inſtead of commiſerating their wretchedneſs, ſpurned the dominion of ſuch abject ſlaves, as had *not courage* to reſiſt the tyranny of their own legiſlature; invaded their territories, and routed their armies whereever they met them. But the re-aſſumption of their liberties, being the reſtoration of their happineſs, their ſoldiers carried conqueſt wherever they carried arms.

It is now to be aſked, in what light this reſiſtance of the Romans againſt their legiſlature was looked on? To which I anſwer, that all authorities, whether ancient or modern, down to the third year of George the IIId, were ſo far from deeming it, agreeable to the ideas of the preſent days, a rebellion, that they have uniformly held it up as one of the events of Roman conduct, which has incircled them with their BRIGHTEST GLORY.

Natural Philoſophers ſay, that like cauſes will produce like effects. By what rule of reaſoning then can it be proved, that a reſiſtance which crowned the Romans with glory, ſhould encompaſs Engliſhmen with thorns? Are we at length reduced to this laſt ſtate of mockery, by our penſioned, legiſlative vindicators of Parliamentary right, and ſupporters of Engliſh honour, and Engliſh intereſt?—Is there no ſpirit?—Is there no power amongſt us? The firſt has been ſuppreſſed by the diſcouragement of true religion, and encouragement of idolatry; by countenancing all manner of diſſipation, riot, prodigality, and debaucheries even in the Royal Brethren, who, during a youth ſpent in adultery and fornication, where cheriſhed, honoured, and munificently ſupported; but the inſtant their underſtandings where ripened, and ſuggeſted the evil of their conduct, with a noble and ſingular virtue for thoſe corrupt times, they looked back with horror on the courſes their youth was betrayed into, and determined that their manhood and old age ſhould be examples of real piety, virtue, and patriotiſm. Since which, having married two Ladies, whoſe deportment and characters have rendered them the ornaments of their ſex, their private conduct has been highly praiſeworthy, their public, highly meritorious.—How

was this reformation received? Every man can anſwer, with an endeavour to turn their holy matrimonial union into proſtitution, thereby to baſtardize their Iſſue, and in its conſequence, again involve this ill-fated nation in all the blood and horror it once experienced between the Houſes of York and Lancaſter.—With an endeavour to diſgrace them, by forbiding them the court; not knowing the diſgrace would have been, in their attending ſuch a ſink of corruption. By witholding the neceſſary and expected aſſiſtance of money, to ſupport their dignity; in ſhort, nothing which could be exerted, without driving them for ſupport and protection to the people, was omitted, in order to diſcourage their virtuous intentions, and bring them back to a life of diſſipation, to prevent their being future objects of the people's CONSIDERATION. The Royal mercy and goodneſs ſhine here with their uſual luſtre, and on their accuſtomed objects.

By ſuch means, has our Engliſh ſpirit been oppreſſed, and buried under an accumulation of the rankeſt, and fouleſt debaucheries, whoſe filthy vortex has devoured up every thing that was honeſt, every thing that was honourable, and every thing that was praiſe-worthy amongſt Engliſhmen; a name, till the ſecond year of

George the IIId, which involved the ideas of public and private ſpirit, public and private juſtice, public and private humanity. But now, where is the veil which will extend over the whole face of the earth, in order to cover legiſlative tyranny?—How ſhall we hide the dreadful waſte of almoſt every thing in human ſhape, in the once fertile provinces of the Mogul's empire? The famines, murders, rapines of every kind, with their never failing attendant plagues, with which we depopulated whole provinces; I ſay, we, becauſe thoſe who ſtiled themſelves the Repreſentatives of the Commons of Great Britain, after the moſt perfect development of this bloody waſte, voted their thanks to the diabolical author, and through him, to his coadjutorial Devils; I call them Devils, becauſe nothing with a human heart, could have ſo ground down, and defaced human nature. His Majeſty indeed, whoſe *rewards* and puniſhments do ever light upon the *Criminal*, and the unfortunate innocent, honoured Lord Clive with the Lord Lieutenancy of an Engliſh County; and I am informed, intends extending his Royal Goodneſs to General Smith, and Mr. Sykes. —But leaving thoſe royal, and legiſlative objects, ſhould we traverſe the Indian, and vaſt Atlantick, where ſhould we find reſt, ſave on the

ſlaughtered

ſlaughtered carcaſes of innocent ſubjects? It may be anſwered, the Wilds of St. Vincent's; there we can have no views of extending oppreſſion, the Caribs who inhabit it, living agreeably to the laws of nature, and reaſon; without ambition, without avarice; in offices of mutual aid and ſupport; and hoſpitably receiving all ſtrangers who come peaceably amongſt them. Here indeed, I ſhould have expected relief from the horrors of the Eaſtern Hemiſphere; but as the Spaniards formerly boaſted, that the ſun never ſet in their dominions, ſo may Foreigners now ſay, that it never ſets upon our iniquities; for having murdered, and plundered the major part of thoſe innocent, defenceleſs people, we left the reſt ſo naked, ſo deſtitute of the indiſpenſable neceſſaries of life, that if it ſhould not pleaſe the Almighty to ſhower down his Manna, as he did on the Jews in the Wilderneſs, they muſt waſte and periſh through want.

This ſervice a Lieutenant Colonel was ordered to execute; but as it was thought to need encouragement, (not from its danger, the inhabitants being thin, unarmed, and in every ſenſe of the word defenceleſs) he was appointed upon this occaſion a Major General, with a ſtaff ſo very expenſive, as to become a conſiderable and burthenſome

burthenſome charge upon the people of England. But enough of this. We will now ſolace the wearied mind amongſt our own children, inhabiting the vaſt Continent of North America. Here we ſhall find peace, plenty, and happineſs, flowing from the care, relief, and and affection naturally extended by parents to their iſſue, " like the precious ointment upon " the head of Aaron, which ran down his beard, " even to the ſkirts of his clothing."

But how vain are human expectancies; the whole Continent being one ſcene of anarchy, diſtreſs, and civil war; thouſands and ten thouſands of men, women, and children, being forcibly driven, with bayonets at their throats, from their homes, lately the ſcenes of peace, joy, and honeſt induſtry:—Six intire Provinces, by one Act of Parliament, inhibited from fiſhing on their own Coaſts, thereby, (with reverence I ſay it) repealing and making void the act of God, for the ſupport of his creatures, by which multitudes muſt periſh through famine, and more be reduced to the moſt miſerable want. In ſhort, whatever calamities men could lay upon men, we have heaped upon our American Brethren; becauſe, ſay they, (with the whole profits of their Commerce given to the people of England, they will not ſuffer an arbitrary diſcretion

tion in *our* legiſlature to take, or grant away *their* money, which, being earned through honeſt induſtry, by the ſweat of their brows, they think in law, reaſon, and equity, is their property, and ſole right, to the excluſion of all others; and conſequently that their dominion over it is abſolute, unconditional, and without controul. Whereas, ſhould a right of diſpoſing of this property exiſt out of themſelves, (i. e.) in the Britiſh Parliament, the Britiſh Parliament would, in that caſe, be the ſole Proprietors; for whoever has the abſolute diſpoſal of a thing, is abſolute proprietor of that thing; conſequently, the Americans would be to the Parliament of Great Britain, what the Negro Slaves are to the Planters in the Weſt-Indies; all the earnings of thoſe Slaves, being, in *like* manner, the property of their Maſters.

But to obviate this, the Parliament ſay, that they *virtually* repreſent the Americans: the Americans, on the contrary, who *humanly* ſpeaking, ought to be allowed to know their own repreſentatives, ſay, they do not. An indifferent man ſays, it is a ſtrange conteſt, wherein a mother ſhall not be allowed to know her own children, or thoſe whom by *conſent*, or acquieſcence ſhe may adopt as ſuch; this, which in theory would be

be the extreme of ridicule, in practice, becomes the extreme of cruelty.

But ſay the King's friends, are not the non-electors of Great Britain in the very predicament of the Americans? To which, I anſwer, that no two ſituations can be more oppoſite; for the voluntary ſufferance, acquieſcence, and cuſtom of the non-electors, whilſt they continue them, (which I preſume they will do, as long as they find themſelves *equitably* treated) is by all Juriſts held to be a conſent, which conſent, ſufferance, and cuſtom, (alone) give the binding force to law; conſequently, it may with propriety be ſaid, that they bind themſelves. Whereas, the Americans, by witholding their conſent, (if they are allowed to be intitled to the rights of nature in common with Engliſhmen) are as well by the ſpirit as letter of this very Act, abſolved from all obedience to any legiſlature, ſave that, that they elect, or give their conſent, or ſufferance to. And in conformity with this, is the great Hooker, where he ſays, "ſith men natu-
"raly have no full, and perfect power to com-
"mand whole politic multitudes of men; there-
"fore, utterly without our conſent, we could in
"ſuch ſort, be at no man's commandment living;
"and to be commanded we do conſent, when
"that ſociety, whereof we are a part, hath at
"any

"any time before conſented, *without revoking* "*the ſame after by the like univerſal agreement.*"

The iſlands of Jerſey, Guernſey, Sark, and Alderney, are governed by their own laws, and not by the laws of England; becauſe,—as Sir Matthew Hale ſays, "they are not parcels of the "realm of England." Hence, according to this great lawyer, the legiſlative acts of Great Britain do only bind the people of the realm. Why?—Becauſe it only repreſents theſe people. and this is in perfect agreement with the declaratory act before cited. But if thoſe iſlands were in the realm, their freeholders and freemen, like thoſe of the Iſle of Wight, being part of the realm, would elect their own repreſentatives to the High Court of Parliament; and then would be governed, as every Briton is, by a Britiſh legiſlature of his own chuſing.

If thoſe then are the acknowledged and accuſtomed rights and liberties of the people of Jerſey, Guernſey, &c. &c. is it not to be marvelled at, that any can be found ſo fooliſh or ſo wicked, as to deny the exiſtence of ſimilar rights in the Americans? a people, who for numbers, wealth, and power, do exceedingly ſurpaſs thoſe iſlanders; yet it is every day done under the idea of a virtual repreſentation, that is a creature without a creator, an elected by a

non-elector; an abſurdity too groſs for impoſition under any reign, ſave that of his Canadian Holineſs. But his Sacred Majeſty (for he is this too) with his Right Reverend and Reverend Benches, together with the King's friends, have ſo happily extended our faith, that by it we remove all difficulties, ſuch as the former idea of the incompetency of a Proteſtant Parliament to elect a branch of itſelf to be a Romiſh Pope, at the ſame time retaining it's Proteſtant capacity.

But leaving this, we will turn our eyes to objects, in thoſe times of danger and impending ruin, alone worthy our conſideration. We will deſcend into the ſanctum ſanctorum of Engliſh liberties, unfold its doors, and lay open its ſacred receſſes: by which we will ſee that the ſupreme power ever was, and ſtill is, in the people at large; and that our preſent form of government, or legiſlature, is but a form and creature of the people, made or ſuffered for their conveniency, and exiſting at their diſcretion, to carry on their good.—We will ſee that the different branches of this legiſlature have been permitted to exerciſe different powers not derived from itſelf, but the people at large, and therefore cannot abrogate or exerciſe them in its collected or united ſtate.

Thus

Thus one branch executes the laws made by the whole; another determines finally in caſes of judicature; the third, being the Commons, provide and grant the ſupplies. To the inveſtigation of this laſt power I ſhall for the preſent confine myſelf, as it will fully manifeſt, how conſtitutionally grounded Lord Chatham's aſſertion is, "that there is an eſſential difference "between taxation and legiſlation; as the former can only be exerciſed by the people's immediate repreſentatives, or Commons, to the excluſion of the other branches, becauſe they alone are entruſted with that power. From whence it will alſo neceſſarily follow, that the Americans cannot be rightfully and conſtitutionally taxed by the Britiſh legiſlature, or High Court of Parliament, and therefore will alſo affirm another aſſertion of that great ſtateſman's, viz.—"that we have no right under Heaven, "to tax the Americans."

Tacitus ſpeaking of our Saxon anceſtors, ſays, "De minoribus rebus principes conſultant, *de* "*majoribus omnes*, ita tamen ut ea quoq: Quo- "rum penes plebem arbitrium eſt, apud prin- "cipes pertractentur." And upon this bottom ſtands that famous law ſaying of ours, "Quod "omnes tangit, ab omnibus approbatur." What affects all, ſhould be approved by all.

The noble hiſtorian having before ſaid that matters of ſmall account were left to the Princes, but thoſe of any moment were determined by the whole body of the people, the Princes or magiſtrates being preſent.

And ſuch were the liberties enjoyed by our anceſtors, that the ſame author ſays, though they met on certain days,—" the new and full " moon, yet they could not be *compelled* to aſ- " ſemble;" conſequently, their meetings muſt have been voluntary. Such as in thoſe days are the meetings of the Americans, or the freeholders, to take the ſenſe of the county upon any public meaſure. In thoſe councils they tried and determined cauſes, and inflicted fines and puniſhments, even to death; they elected their princes, or rather principals or magiſtrates, for every village and diſtrict, to each of whom they joined, as his council and authority, one hundred, choſen alſo from amongſt themſelves, to adminiſter the laws. " Eliguntur " in iiſdem conciliis & principes, qui jura per " pagos vicoſque reddunt, centeni ſingulis ex " plebe comites, conſilium ſimul & auctoritas, " adſunt." But with reſpect to the ſupport of their princes or government, which in our modern phraſe is called the ſupplies, he ſays, " the " cuſtom was, for the people of the common-

wealth,

" wealth, individually, to give of their own ac-
" cord, either of their cattle or grain, which,
" though it was a ſupply for their wants, yet it
" was received as an honor or favor." Hence the thanks of our Kings for the ſupplies granted by the people. " Mos eſt civitatibus ultro ac
" viritim conferre principibus vel armentorum,
" vel frugum, quod *pro honore* acceptum, etiam
" neceſſitatibus ſubvenit." Afterwards, he ſays, they gave money.

From which it muſt appear, that as the ſupplies were granted by the individual at his own diſcretion, and received by the Prince as an honor and favor done him, it conſequently could not have been a legiſlative act, which leaves nothing to the diſcretion of the individual.

Beſides, Tacitus had before enumerated the different acts and powers of this national council, or Wittena Gemot, all which were confined to matters of war and peace, making of rules for the good conduct of citizen to citizen, trying of cauſes, and electing princes or magiſtrates, and their council. Hence we are authoriſed to aſſert, upon the beſt and only foundation---INDISPUTABLE FACTS---that in the time of our Saxon anceſtors, whoſe government is the platform of our preſent one, legiſlation and taxation were eſſentially different, and that the latter

latter did in no wiſe belong to, or iſſue from the former.

After the union of the different Saxon governments under a chriſtian monarch thoſe Wittena Gemots were continued; and under William I. were called Parliaments, from the members ſpeaking their minds, the old French word ſignifying that. Sir Henry Spelman mentions one ſummoned by King Ethelbert, ann. 605, which he calls *Commune Concilium* tam cleri quam populi; a Common Council of the clergy and *people:* and another held by King Ina in 712, wherein were made eccleſiaſtical laws concerning marriage, &c. and other things, ad concordiam publicam promovendam per *Commune Concilium* & aſſenſum omnium epiſcoporum, & principum, procerum, comitum, & omnium *ſapientum* ſeniorum & *populorum totius* Regni, i. e. to advance the public concord by the *Common Council* and aſſent of all the Biſhops, Princes, great men, Counts, and *all* the *wiſe old men* and *people* of the *whole* kingdom.

And Bede, in his Eccleſiaſtical Hiſtory, ſays, " that the grand league and union between the Britons, Saxons and Picts was concluded and confirmed, per *Commune Concilium* & aſſenſum omnium epiſcoporum, procerum, comitum & omnium

omnium ſapientum ſeniorum & *populorum*, & per præceptum Regis Ina; i. e. By the *Common Council* and aſſent of all the biſhops, great men, counts, and all the wiſe old men and *people*, and by the precept of King Ina.

William of Malmſbury, called the Wittena Gemot,—"A general ſenate and convention "of the *people*."

Sir Henry Spelman, "a convention of the "princes and biſhops, magiſtrates and *freemen* "of the kingdom, to conſult about the com- "mon ſafety; of war and peace, and to ad- "vance the public utility."

And Camden ſays, "that what the Saxons "formerly called a Wittena Gemot, we call a "Parliament."

Lambard de priſcis Anglor. Legibus, ſays, "that Edward the Confeſſor confirmed the an- "cient Saxon laws, and that new ones were "added by the King, Barons, and *people*."

Pictavinus, Ordericus Vital, Hoveden, Malmſ- bury, Spelman, Selden, &c. do all ſay, "that "William, the Baſtard of Normandy was, upon "his declaring that he would obſerve the laws "of Saint Edward, elected King, a clero & "*populo*, by the clergy and *people*. That he "afterwards confirmed this by a ſolemn oath "before the altar of the Lord, and paſſed a

"charter

" charter of the ancient liberties, one chapter " of which is,—Volumus etiam ac firmiter " præcipimus & concedimus, ut *omnes liberi* " *homines totius* Monarchiæ Regni noſtri præ- " dicti, habeant & teneant terras ſuas, and poſ- " ſeſſiones ſuas, bene & in pace, *libere* ab *omnes* " *exactione injuſta*, & ab *omni tallagio*. Ita quod " *nihil* ab eis *exigatur* vel *capiatur*, niſi *ſervi-* " *tium* ſuum *liberum* quod *de jure* nobis facere " debent & facere tenentur; & prout ſtatutum " *eſt eis & illis a nobis datum & conceſſum*, jure " hæreditario *imperpetuum*, per *Commune Conci-* " *lium totius Regni* noſtri prædicti." This law then being made by the Common Council of the whole kingdom, was the great charter of William I. which was confirmed by Henry I. Stephen, Henry II. and King John, who ſays, " Nullum ſcutagium vel auxilium ponam in " Regno noſtro, *niſi* per *Commune Conſilium* " Regni noſtri" i. e. No eſcuage or aid ſhall be laid in our kingdom, but by the *Common Coun-* cil of our kingdom; being the ſame in ſub- ſtance with the great charter of William I. and all being but a declaration of the ancient com- mon law and right of the kingdom, and no new law, or forced upon any of thoſe princes, or King John. So ſays Matthew Paris, who was Hiſtoriographer Royal to King Henry III.

and

and lived in the time of King John, in the fifteenth year of whoſe reign, that is, two years before the paſſing of Magna Charta at Runningmead, *for the firſt time*, were iſſued two diſtinct writs for calling the people to give their counſel and aid. The record ſaith, that the King, being in partibus tranſmarinis, writes,

Majori & Baronibus London
Majori & probis hominibus

Winton	Exon.
Northampt.	Worceſtr.
Lincoln	Cantebr.
Ebor.	Hunt.
Oxon.	Briſtol
Glouc.	Norwich
Heref.*	

and all the great boroughs of the demeſnes of the King, giving them an account of his proceedings and ſucceſſes in war; and that the Pope had, by his letters, releaſed the interdict, under which the kingdom lay; which letters the King had ſent to Peter, Biſhop of Winton, Chief Juſtice of England, and therefore deſired that they would believe what the Biſhop would ſay to them, that conſilium & auxilium veſtrum

* Rot. Pat. 15, Joh. pars. 2, m. 2.

ad honorem noſtrum, & veſtrum, & ſtatum Regni noſtri in melius, communicandum efficaciter ſuper hoc apponatis, teſte apud Rupellam, 6 die Martii.

The ſecond writ he directed to the Earl Marſhall, and to all the Barons, & Magnatibus Angliæ, &c. teſte apud Rupellam, 8 die Martii.*

This great record (as indeed are all the others before-mentioned for the ſame reaſon) is highly worthy our moſt ſerious conſideration. Firſt, as it ſhews our conſtitution to be ſimilar to the old Wittena Gemot of our Saxon anceſtors, as deſcribed by Tacitus; wherein *every individual freeman* of the land had, in *his own perſon*, a right to come to thoſe aſſemblies, and to deliberate, aſſent to, or diſſent from any meaſure therein propoſed; wherefore if all did not go, it was, firſt, becauſe they thought it would be unneceſſary, as there would be aſſembled a ſufficient number to take care of the common concern, their reſolutions including themſelves equally with the *voluntary* abſentees; and next, becauſe it would have been exceedingly inconvenient for every individual freeman to leave his buſineſs, in order to go a great way from home, to deliberate upon that which he

* Rot. Pat. 15. Joh. pars 2, m. 1.

was

was ſatisfied, would be as carefully and as well done in his abſence, by thoſe who would be preſent. Hence it is evident, that every individual freeholder and freeman had a right, and, in conſequence, was ſummoned to be preſent at thoſe aſſemblies, as well in the times of our Norman as Saxon anceſtors.

This record is again worthy our conſideration, as it differs from all that went before, becauſe it mentions two writs for aſſembling the people, one directed to thoſe whom we now call Lords Spiritual and Temporal, and the other to the Commons at large; whereas, before there was but one writ, in which was inſerted all the different orders of freemen. Hence it neceſſarily follows, that in the 15th year of King John, i. e. in the year 1214 of our Lord, the people were firſt ſeparated by writ into two diſtinct bodies, and thereby laid the ground-plots upon which, in after times, were built our two Houſes of Parliament. But to return to the particular buſineſs of taxation, inter communia Hilar. 17. E. 3. penes rememoratorem domini Regis in ſcaccario, it appears in a plea between the King and the Prior of Coventry, that 29 & 32 H. 3. *Quædam ſubſidia per magnates & communitatem Regni ſpontanea & mera voluntate Regi conceſſa*, i. e. that in the 29th and

3d Hen. III. the great men and commonalty *ſpontaneouſly*, and *of their meer will*, beſtowed certain ſubſidies to the King. So they gave in the time mentioned by Tacitus, with this difference, that in latter days the grants became moulded into a more regular form, and in ours the thing itſelf, i. e. the money not being delivered in what is called the grant of ſupplies to the Crown, but only a right over, and power to levy ſuch ſupplies for the purpoſes mentioned; it evidently follows, that the King muſt of neceſſity approve of this gift before he can make uſe of it; becauſe his diſapprobation would annihilate the grant, and as his ſilence amounts to a diſapprobation, he is therefore (in order to uſe it) under a natural neceſſity of giving his aſſent, which he does by thanking the Commons who offer it; which thanks inſtantly converts, in *appearance*, that which before was a ſpontaneous and free grant, into a ſtatute of Parliament. But that this converſion is only apparent, and the ſubſidy not an act of legiſlation, is evident, from the right and power to levy the money being in the King *(provided he does not reject it)* the inſtant the bill or grant it preſented to him; his thanks being but a grateful acknowledgement for the voluntary gift of the people, ſuch thanks

at

at the ſame time denoting his conſent, which has been ſhewn to be abſolutely neceſſary, to prevent the loſs of the grant; becauſe the King's ſilence in the High Court of Parliament, to all bills and grants, are by cuſtom conſtrued into a diſapprobation. Wherefore I preſume, that the not carefully diſtinguiſhing the reality of the grant, from the appearance it afterwards aſſumes, have led many candid, well-intentioned gentlemen into an opinion, that taxation and legiſlation are one and the ſame.

And as I am upon this ſubject, I cannot paſs it without remarking, that this error of miſtaking appearances for realities, has been the ſource of endleſs and mighty calamities to mankind. Under Tiberius, the forms of the Roman government being kept up, many citizens believed that the conſtitution itſelf was unimpaired, notwithſtanding the butcheries which every day deluged their ſtreets with the blood of the innocent. At preſent we have, as in former times, a High Court of Parliament, we have juries, habeas corpus, and repreſentatives of our own chuſing, except in caſes wherein thoſe whom we have already choſen, may declare us incompetent to make a further choice, and therefore will not permit us, but make the election themſelves. This laſt indeed

indeed, ſeems to deſtroy even the appearance before mentioned; but it may be ſaid in anſwer, that it was never done but once, which was in the commencement of this reign of the beſt of Princes, and therefore ſhould be looked upon only as an exception to the general rule. Beſides that, the people muſt chuſe forty members, ſo many being neceſſary to make a Houſe of Commons, before ſuch Houſe can proceed to elect the remaining five hundred and eighteen members. But with reſpect to its being done but once, it may be replied, that the Houſe having repeatedly refuſed reprobating the meaſure, by eraſing from their journals the former reſolution regarding the county of Middleſex, they have approved the precedent, and thereby, as far as in them lay, eſtabliſhed a right in the firſt forty members who may meet upon a general election, to reject every other repreſentative choſen by the people, and in their room elect ſo many more. Hence, as long as this reſolution is allowed to be a law of Parliament, which neceſſarily muſt be, as long as it ſtands upon the Journals of the Houſe of Commons, the right of election becomes divided; the people chuſing forty, which being a Houſe, may, according to the law of Parliament, elect the remaining 518 to fill up their own body. But

that

that they will not uſe this right immediately, I will admit, there being *times and ſeaſons* for all things. However, it muſt be allowed, that much has already been done in eſtabliſhing the precedent, as no man, whoſe comprehenſion is not below that of a brute, will ſuppoſe it has been done and ſupported for nothing—the oſtenſible object being long out of the queſtion.

Hence we ſee that a law of Parliament, inſtead of being the law of the land, or a rule of right, may be a law of tyranny, which I preſume none but Jacobites and Tories will ſay,—can be the lex terræ of England. And if to what has been ſaid we add a former bribed majority, the exiſtence of which no body did then doubt, who conſidered the places, penſions, reverſions, contracts, lotteries, expectancies, &c. &c. that were given to create ſuch majority, there will remain no doubt of their having been the ſervants of the Crown, and therefore only the apparent repreſentatives of the people, which being taken for the reality, met the ſupport of all thoſe who unhappily were under the deluſion, and conſequently an idea of omnipotence, with a right to do what they pleaſed, was conceived.

Wherefore the Miniſter only applied for their ſervices; and what they did ſanctify you may

may infer as well from what has been ſaid, as from the late waſtings, burnings, and dreadful carnage committed on the other ſide of the Atlantic: there thouſands of our brave fellow-ſubjects, who but the other day enjoyed all the ſweets of domeſtic felicity, now, alas! lie with their bodies bare, bloody, and mangled, upon the cold ground, like common carrion, a prey to dogs, to vultures, and to worms; a horrid ſpectacle! but how infinitely more ſo, when to our ſight is preſented fathers, mothers, brothers, ſiſters, and wifes, ſadly, though piouſly, employed in gathering up the ſhattered and diſperſed limbs of their ſons, brothers, and huſbands, then joining them to their ſlaughtered trunks in order to make up a miſerable whole, upon which they may throw their more miſerable ſelves, embrace the bloody corpſe, and bathe it in their tears.

But enough of this: We will therefore return to, and further illuſtrate the buſineſs of taxation. In the thirty-eighth year of Henry III. that king being, according to the record, "in par-"tibus tranſmarinis," and the Queen left regent, ſhe ſent writs in the King's name, directed, "Archiepiſcopis, Epiſcopis, Abbatibus, Pri-"oribus, Comitibus, Barónibus, militibus, *li-*"*beris hominibus, civibus & burgenſibus* terræ

ſuæ

ſuæ Hiberniæ, telling them that " Mittimus fratrem Nicholaum de Sancta Neoto, fratrem hoſpitii Sancti Johannis Jeruſalem, in Anglia, ad partes Hiberniæ ad exponendum vobis (together with J. Fitz. Geffery, the King's Juſtice) the ſtate of his land of Vaſcony,* endangered by the hoſtile invaſion of the King of Caſtile, quæ nullo jure, ſed potentia ſua confiſus, terram noſtram Vaſconiæ per ipſius fortitudinem a manibus noſtris auferre & a dominio Regni Anglia, ſegregare proponit, and therefore univerſitatim veſtram quanta poſſumus affectione rogantes, quatenus nos & jura noſtra totaliter indefenſa, non deſerentes nobis in tanto periculo, quantumcunque poteritis de *gente*, & *pecunia* ſubveniatis, which would turn to their everlaſting honor; concluding his noſtris anguſtüs taliter compatientes quod nos & heredes noſtri vobis & heredibus veſtris ſumus non immerito obligati. Teſte Reginæ & R. comite Curnubiæ, apud Windeſor, 17 die Februarii. Per Reginam.

Hence it is evident that this writ for calling the firſt Commune Concilium, or Parliament, in Ireland, was directed to every body in that kingdom, from the Archbiſhops down to the loweſt freeman; ſetting before them the hoſtile in-

* Rot. Pat. 38, H. 3. 4 Hibernia.

vaſion upon his lands of Vaſcony, and praying that they would not leave him defenceleſs, or deſert him in ſo perilous a ſituation, but grant him an aid of men and money, which he ſaid would turn to their everlaſting honor; and that their compaſſionating him in this manner, would confer a mighty obligation upon him and his heirs.

This record is of great import, and will much elucidate the buſineſs of taxation. By the addreſs it appears to be taken, word for word, from the old writs, for calling the Commune Concilium, or Parliament of England, conſequently is founded upon that platform; wherefore the forms of both conſtitutions (with the rights of all men being the ſame) we muſt neceſſarily pronounce both people with one common King (which by compact the people of England alone have a right to chuſe) to be in all legiſlative points upon a perfect equality, except in thoſe wherein the Iriſh legiſlature have, from time to time, made alterations. But this power of altering can never affect the ſupremacy of England, in appointing a common King for both countries; becauſe their right is founded upon a compact that cannot be diſſolved without their own act, which I flatter myſelf will never happen. And if we look into the nature

of

of this ſupremacy, we will find it amply ſufficient, not only to prevent any act hurtful to to this country paſſing in that, but alſo to give a tendency and operation to all their acts which ſhall ultimately terminate in the good of England. For if the King is conſidered and treated according to what he really is, that is, choſen by the people to be their firſt magiſtrate to carry on their good, it will evidently follow, that he muſt act by their advice: and as no Iriſh Bill can be paſſed into a law without his conſent, he may withold it until his granting it would be for the common good of both people. Which common good I hope neither legiſlature will ever loſe ſight of, the intereſts of both kingdoms being ſo naturally and cloſely interwoven as to create a conſenſus in all their parts, conſequently the wounding of one becomes the injury of all. Wherefore, for their mutual ſecurity, I do from my ſoul wiſh, that by an equitable and fair union, they may be made one and the ſame people.

Now as the before-mentioned writ was the firſt that ever was iſſued for calling a Commune Concilium, or Parliament, in Ireland, and as it is in all things ſimilar to thoſe iſſued for aſſembling the people of England, it muſt be evident that the freeholders and freemen, or to mo-

dernize the phraſe, the Parliaments of both countries were conſidered, with reſpect to the buſineſs of granting aid and ſupport, whether of men or money, as totally and abſolutely diſtinct and independent the one of the other. For no man but a fool will ſuppoſe, that if the ſole right to grant the properties of both countries was in the Engliſh Commune Concilium, that they would have ſuffered any other body of people to have uſurped it, and grant away that which they only had a right to do; and this at a time when the mode and precedent made the platform of the Iriſh conſtitution, conſequently to be looked upon as ſacred through all ſucceeding ages. And if it be further conſidered, that King Henry omitted nothing in this writ by which he could move the people of Ireland to commiſerate his ſituation, in order to ſtimulate them to grant his prayer for men and money, it muſt be evident, firſt, that this grant muſt have been their ſole act, and conſequently not an act of legiſlation: And again, that the King did not think he had any other conſtitutional mode of getting this aid, but by the voluntary gift of the people upon whom it was to be levied.

There appears another record, Rot. Pat. 28 Edw. I. that magnates & *probi homines* terræ Hiberniæ quintam decimam partem de boniſs & catallis

catallis ſuis conceſſerunt *gratioſe* to the King. Now that thoſe Probi Homines, who joined in this voluntary grant of a fifteenth of their goods and chattels, were the *common freeholders and freemen*, will be evident, from the citizens of Dublin being ſtiled by Henry III. Probi Homines noſtri Dublyn. Rot. Clauſ. 7 H. III. dorſo.

Hence it is evident, that the conſtitutional mode of taxation in Ireland, was the ſame as that in England, that is, the Iriſh freeholders and freemen, in Commune Concilium, or Parliament, of their meer will, voluntarily granted aids to the Crown out of their own property, in like manner as the Engliſh did in their Parliament; and ſo it has continued to this day, with this difference, that formerly they gave in perſon, whereas now they are content to give by deputation. And as the Iriſh freeholders and freemen of former times were almoſt all Engliſhmen, it clearly follows that they did not forfeit their birth-rights by going to ſettle abroad, but in this material buſineſs of taxation, poſſeſſed and uſed thoſe rights in as full and ample a manner in Ireland, as their brethren the Engliſh freeholders and freemen did in England. Now if Engliſhmen going to Ireland carried their rights with them, why not going to America, particularly as the charters

of

of American Engliſh expreſs that they ſhall enjoy all the rights of Engliſhmen? Who then will have the effrontery, in the face of all thoſe venerable authorities, to aſſert,—that Engliſhmen, freeholders, and freemen of America, are of right ſubject to be taxed by any man, or body of men under Heaven, *ſave themſelves.*

In the 49th year of Henry III. were iſſued the *firſt* writs for electing *two* Knights, two Citizens, Burgeſſes and Barons for the Cinque Ports, to repreſent the Commons in Parliament. Thus began our preſent mode of returning two members. But whoever will attend to what went before, will find that the conveniency and conſent of the people ſuggeſted a convention by repreſentation, and that it was practiſed, though in another manner from the beginning—as thoſe who did not chuſe to attend were ſatisfied and content with what was done by thoſe who did attend.

We will now deſcend with the uſage of Parliaments, in matters of taxation, to the year 1764, by which we will find that the ancient right of Engliſhmen, to give their property according to their own pleaſure, has been ever underſtood *ſolely* to reſide in themſelves.

For a long time the King's tenants in ancient demeſne were not taxed by Parliament, becauſe they

they were liable to give the King a tallage, ratione tenuræ, according to their tenures, and were free from all other taxes. But when Edward I. exceeded the juſt demands, thoſe tenants conſidered his exactions as intolerable, and would no longer pay, but got it remedied by the ſtatute, de tallagio non concedendo Edward I. Now as the beſt authorites ſay, that the tenants in ancient demeſne were conſtitutionally exempted from being taxed by Parliament, *becauſe* they were taxed by another mode: Why ſhould not the Americans be equally and conſtitutionally exempted, *even* for the very ſame reaſon, becauſe they are taxed by another mode, viz.—*in their General Aſſembly?*

All thoſe who held under the Saxon governments, in frank almoign, or free alms, were exempted from all civil charges or taxes by Parliament.

Tenants who held by Knight ſervice, in the Norman times, were alſo exempt from Parliamentary taxation, *becauſe* they taxed themſelves apart. But as they joined to obtain the ſtatute de tallagio, &c. they afterwards taxed themſelves in Common in Parliament. From all which it muſt appear how eſſentially different taxation is from legiſlation. And that it ſhould be no longer doubted, I will mention a caſe directly

rectly in point, which is the conduct of all the eſtates of the realm on the buſineſs of taxation.

In the 25th year of Edward I. a Parliament was called at St. Edmondſbury, when the King demanded a ſubſidy, but the clergy refuſing to contribute, withdrew from Parliament, and went to their ſeparate homes; the conſequence was, that they were not taxed, though the laity were. Now had it been an act of legiſlation, it would have comprehended *all*, and the aſſent of the clergy would have been immaterial, as appears by the different laws paſſed in this very parliament, particularly a confirmation of Magna Charta, as mentioned in the ſtatute books. But if it is further conſidered that this refuſal and retiring of the clergy was voluntary, and that it only exempted them from being taxed; it will be tantamount to a full declaration of every branch of the legiſlature, not only that taxation and legiſlation are totally diſtinct, but alſo that the High Court of Parliament, or legiſlature, is conſtitutionally incompetent to lay any tax, having no ſort of buſineſs with it. And further, that the rightful power of levying a tax muſt ſolely ariſe out of the voluntary grant, or voluntary ſufferance or conſent of the people who are to pay the tax. Now as the Americans have not conſented, or will ſuffer themſelves to be

taxed

taxed by any, ſave themſelves in their general aſſemblies, it neceſſary follows, that conſtitutionally they cannot be taxed by any other mode. So ſtood the Engliſh Conſtitution down to the third year of George IIId, the ſtatute de tallagio, and the great law it was founded upon, not being repealed.

The caſes of Calais, Wales, Cheſter, and Durham, coroborate all that went before, and only furniſh us with more recent inſtances than thoſe already mentioned; the firſt was not taxed until it ſent repreſentatives to the Houſe of Commons, we may ſay as much for the others, as the Parliaments held in the 27th, and 35th of Henry the VIIIth, and the Durham act of Charles the IId. reprobated as unconſtitutional and unjuſt, the mode of binding counties, and diſtricts by laws which they did not conſent to, and therefore enacted ſtatutes, to prevent their being liable to ſuch violences for the future, by granting their freeholders, and freemen, the right of ſending repreſentatives to the High Court of Parliament, which they did not formerly do, having been anciently governed by their own peculiar laws; the two latter having had their Commune Concilium, or Parliaments in each county; the Earl preſided at Cheſter, the Biſhop at Durham, in like manner as the King did in the Parliament

of England; and in thoſe early, and conſtitutional times, the acts of the latter did not extend to the former, (ſee King's Vale Royal of England) though their Earls and Biſhops conſtituted a part of it; wherefore, if the lately ridiculous, but now miſchievous plea of virtual repreſentation, could have been at any time, with but a ſhew of equity adopted, it muſt have been when the Lords of Marches in Wales, the Earls of Cheſter, and Biſhops of Durham, ſat in the Common Council of the Kingdom, as the tenants in thoſe countries, held under them; but that no ſuch thing was ever thought of, may be ſeen as well by the ſupplication to Henry the VIth, as by the ſtatutes juſt mentioned; the latter part of the preamble of one of thoſe Acts, (which is ſimilar to the other) acknowledging, that the inhabitants of the county palatine of Cheſter, "for "lack of repreſentation in the High Court of "Parliament, have been oftentimes touched and "grieved with acts and ſtatutes made within "the ſaid court, as well derogatory unto the "moſt ancient juriſdictions, liberties, and pri-"vileges of the ſaid county palatine, as preju-"dicial unto the common-wealth, quietneſs, "reſt, and peace of the ſubjects inhabiting with-"in the ſame." This was the act of a great and candid legiſlature, that did not, *like tyrants*, meaſure

meaſure their right by their power; but like juſt law-givers, their power *by their right*; ſo that amongſt them, we may truly ſay, " mercy " and truth met together, righteouſneſs and " peace kiſſed each other." But of legiſlatures within our memory, " deſtruction and unhap- " pineſs is in their ways, and the way of peace " have they not known: there being *no fear* of " God before there eyes." The next verſe is, " have they no knowledge that they are ſuch " workers of miſchief, *eating* up my people as " it were bread, and *call not* upon the Lord?"

Now if we take á view of the precedent matter, the ſum will be,

THAT the people are the original of all power, and all property; that the great body of *Engliſh freeholders*, and *freemen*, have *ever* retained an abſolute dominion over both; but that during *their pleaſure*, and *for* their good, they have choſen certain repreſentatives, by whom part of this power and property is to be drawn forth as occaſions ſhall ſeem meet; firſt to the delegates, but *finally* to the people at large, in order to encreaſe and perpetuate the public felicity; conſequently, the High Court of Parliament ſo far from being abſolute, unconditional, and without controul, is the *meer creature* and *dependent* of the people

at large, *created* by their breath, and *exiſting* by their will, which being withdrawn, leaves not a phantom behind.

—THAT legiſlation, and taxation are totally, and eſſentially diſtinct; the latter being, as we have ſeen, nothing more than the operation of the bounty of the *people* to the King: whereas the former is the operation of the *three* legiſlative branches, making rules for the good government of King and people.

—THAT Engliſhmen emigrating to foreign parts, wherein they become freeholders, and freemen, holding immediately under *a common* King, (whom the freeholders, and freemen within the realm of England ever had, and ſtill have the ſole right of electing) are intitled to all the rights and privileges of their brethren reſiding within the realm, ſave the particular one mentioned, which they themſelves have conſented to be local, and where it is, as well by their oaths of allegiance, as acceptance of their tenures.

—THAT an eſſential right of theſe, is an abſolute dominion over their own property, which they therefore poſſeſs in as full and perfect a manner in America, and Ireland, as in England; conſequently, it can only be diſpoſed of *by themſelves in perſon*, or by repreſentatives of their

their own *chuſing*, or with their conſent, or voluntary ſufferance.

Therefore, as the Americans ſay, they did not return any one member to the Houſe of Commons of Great Britain, or ever conſented to be repreſented by the ſaid Houſe; but on the contrary, agreeably to the nature of their freeholds, and freedom, elected their own repreſentatives in their different Houſes of Aſſembly, it muſt be evident, that the latter only are entruſted by them with the right of granting portions of their property; hence it follows, that the pretended right of the Commons of Great Britain, to grant away the earnings and poſſeſſions of their brethren, the Commons of America, is unconſtitutional, arbitrary, and in direct violation of one of the moſt fundamental and important rights of Engliſhmen; and as all ſupplies by our conſtitution, are to proceed from the voluntary grants of the people, whoſe property is granted,* any other mode of raiſing ſuch ſupplies,

* See the meſſage of Lords and Commons, to Richard the IId, upon his anſwer to their addreſs; part of it I ſhall tranſcribe. "Sir, the Prelates, Lords, and whole people "of the Commons of England, after ſeveral loyal and "honeſt wiſhes, intimate theſe things unto you, that they "have it confirmed by ancient conſtitution, which none "can

plies, is by the common, and ſtatute law of the land, deemed illegal, and within the realm of England, would be a tyranny of the moſt intolerable ſpecies; wherefore, if our late, unplaced, unpenſioned, bloodleſs Parliaments, had not paſſed acts for the purpoſe of raiſing a revenue in America, out of American Property, we might have aſſerted from the immemorial cuſtoms of the people, the uſage and ſtatutes of Parliaments, as well as the rights of property, perſons, and things, that neither the revenue acts, or thoſe dreadful ones which followed them, could have been formed by a Britiſh Parliament, *without violating* every thing hitherto held ſacred by Britons.

Here

" can contradict." They then declare ſome of their rights, and conclude the paragraph with ſaying, and they conceive alſo, " that ſince they are to ſupport the public charge, *they* " ſhould have the ordering, and ſuperviſal too, *how, and by* " *whom their* goods and fortunes are expended."

Here then is a full, and expreſs declaration of the Prelates, Lords, and whole people of the Commons of England, that thoſe who ſupport the public charge, i. e. thoſe out of whoſe goods and fortunes the ſupplies are raiſed, ſhould have the ordering, and ſuperviſal too, how, and by whom ſuch goods and fortunes, or, in the modern phraſe, ſupplies, are expended. What will our penſioned, proſtitute, miſerable theoriſts ſay againſt this? Is it not a moſt clear, and ſolemn judgement, or opinion of the whole people of England, in direct oppoſition to the preſent mode of taxing the Americans?

Here we are naturally led to inveſtigate the juſtice, policy, and utility of the American revenue bill; the King's friends, in ſupport of it, ſay,—that as England expended millions in the defence and extenſion of her Colonies, it is but reaſonable that ſhe ſhould be re-paid; that the Mother Country is loaded with taxes, and therefore ſhould be aſſiſted by an offſpring ſhe had treated ſo kindly: all which is granted by the oppoſers of the bill, as well on this, as the other ſide of the Atlantic. Who further ſay, that the millions mentioned, have been for ſome time paſt diſcharged, as muſt be evident from the indiſputable facts laid before the Houſe of Commons, which proved, that the export trade of England to the Colonies, and their dependencies, have grown to the amazing ſum of ſix millions and twenty-four thouſand pounds per annum, which is within four hundred eighty-five thouſand pound of the whole trade of England, in 1704, and above one third of it, in 1772, a medium year; that the general trade in other parts, has alſo increaſed from five million nine hundred forty thouſand and ſeventy pounds to nine millions nine hundred ſeventy-ſix thouſand, which makes the encreaſe of exports to thoſe parts to be four millions thirty-five thouſand nine hundred and thirty pounds.

Now

Now as every man converſant in our American imports, and the circulatory nature of the whole trade, muſt know, that this increaſe is principally cauſed by that trade, we may with great truth aſſert, that our commerce with America, conſtitutes more than the half of all we carry on with the whole World*. How this has finally operated

* It was proved before the Houſe of Commons, that the exports from Great Britain to North America, the Weſt India Iſlands, and Africa, with the re-exportation of North American and Weſt India commodities, amounted to 8,500,000 pounds, which is half a million more than the half of the whole amount of our trade. See the examination before the Houſe, and Mr. Glover's remarks, whereby he ſhews, that the exports from England alone, in 1772, a medium of three years, to North America, and her dependencies in trade, amounted to 5,500,000 pounds, that is to the firſt 3,500,000, to the Weſt Indies, 1,300,000, and to Africa, 700,000 pounds; that of the imports from the two firſt, 1,000,000 was exported to foreign Countries, and 2,000,000, to Ireland, the whole exports, and re-exports making 8,500,000 pounds.

To the exports of England, Mr. Burke adds thoſe of Scotland, and thereby makes both, excluſive of the re-exports, amount to 6,024,000 pounds.

It was alſo proved before the Houſe, that the Weſt Indian, an African trades muſt be totally loſt, unleſs ſupported by the middle Colonies of North America. See the examinations. Doctor Tucker indeed ſeems to be of another opinion; But as we do not hold that *inſpiration* conveys any knowledge of, or has any concern with mercantile affairs, we muſt reject

operated here, we ſhall learn from the riſe of rents, the increaſed years of purchaſe upon

 lands,

ject as well the reveries as *fabrications* of this political divine; for though the ſaying of the Apoſtle, viz. "that his "ſervants they are, whom they obey," may afford a ſtrong preſumption that the Dean of Glouceſter has more to do with George the IIId, than with the Holy Spirit, yet my Chriſtian readers, (however uncourtly) cannot, without being charged with impiety, give his Reverence more credit, or competency, upon this account.

As to Canadian reſources, the idea is ridiculous. For not to mention the vaſt additional expence, precarioufneſs and incertainty of this mode of ſupply, from the prodigious diſtance, and the navigation through the river St. Lawrence, that is frozen up above ſix months in the year;—Not to mention that there are not ſufficient ſupplies in this country, or if there were, are there hands ſufficient to provide them;—Not to mention, that the Canadian corn could not be furniſhed at proper ſeaſons, becauſe of the river being ſo long frozen, which interruption, would create an abſolute famine in the Weſt Indies, as the Indian corn will not keep above three, and the flour above two months in thoſe Iſlands;—Not to mention all thoſe, ſome of them, inſurmountable difficulties, we muſt ſuppoſe, that Canada will confederate with the twelve Colonies, or be conquered by them; if the former are not conquered by England. What proſpect there is of this, let the Blockade of twelve thouſand of the King's troops at Boſton declare.

By the Provincials poſſeſſing Crown Point, and Ticonderago, with the batteaus of the Lake, they have all Canada open to them, which muſt make them maſters of their

lands, the improvement of the ſoil and habitations, the ſtock, jewels, plate, money, goods and furniture; in ſhort, the individual wealth, which every where ſtrikes the eye, altogether forming an opulence aſtoniſhing even to the poſſeſſors. So that we may with great moderation aſſert, that the value of this country has been doubled, within the periods mentioned. I think it was Sir Iſaac Newton, who eſtimated the fee ſimple of all the lands of England, at three hundred millions; they muſt now ſurely make twice that ſum; ſo that if we throw aſide all the other advantages, we ſhall here find an increaſe of three hundred millions to the national wealth; ſomething more than one third of which we will only ſay was gotten from the Americans. From which, if we ſubtract the debt contracted in their defence, it will leave a balance in their favour, and againſt us, of a-

bove

own terms over that country. Again, becauſe the Canadians are exceedingly diſſatisfied with the Quebec Bill, which, they ſay, has made abſolute ſlaves of them, and their poſterity. Of this, I am myſelf, fully convinced, it being evidently ſo proved, in a pamphlet publiſhed for Kearſly, intitled, A Letter to Sir William Merideth, Bart. in anſwer to his late Letter to the Earl of Chatham, upon the Quebec Bill.

bove ſixty millions.—But ſhould we make an impartial eſtimate, there would not remain a doubt of England's being benefited by America to the amount of one hundred millions, over and above her expences for that country.

Thus have they triply repaid the money, we ſay, we expended for them. And with reſpect to the future eaſe of the Mother Country, they anſwer, firſt, that the taxes are kept up in order to encreaſe the power of the Crown, by creating and multiplying it's creatures in both Houſes; notwithſtanding which, they would freely give, according to their abilities, through the medium of their aſſemblies; and alſo that they, the Americans, were, and ſtill are well inclined to contribute to the full as much as the people of England, by continuing their former lucrative commerce; which they further ſay, muſt grow with their growth; and if the paſt time will authoriſe them to judge of the future, in twenty, or thirty years more, they will give to the amount of the whole of the preſent national expences; and all the conditions they inſiſt on are, that we ſhall receive this in the moſt beneficial way to ourſelves, that is, that it come through the medium of our labourers, manufactorers, merchants, ſeamen, farmers, and land lords. Thus pervading with a regular and equable motion,

every individual of the realm,—The realm itſelf, (like a ſound body, whoſe heart circulates the blood through every, the moſt minute veſſel, throws off the peccant humours, and with wholeſome juices nouriſhes all the parts) becomes ſo ſtrengthened and invigorated, that it will be enabled to make the moſt extraordinary exertions, and repel every attack, *ſave* that which ſhould turn the current of its ſupply. But how ſhould this be repelled, when the powers of repulſion are withdrawn? Trade to a great commercial nation is, what the ſinews and muſcles of the body are to the animal frame, which being cut, there remains to the languid carcaſe only a convulſive motion, which finally tends to accelerate the diſcharge of the little vigour remaining in the body, and thereby brings on a total diſſolution. Whether this, in great part, is our miſerable caſe at preſent, I willingly leave to the conſideration of others.

Now if trade is ſo eſſential to this country,—If it encreaſes the value of our lands,—If it encreaſes the number of our people,—If it diffuſes plenty, wealth, and happineſs through the whole realm, and if from all theſe ariſe mighty power, as well to ſecure as increaſe and perpetuate thoſe bleſſings; who that has a wiſh for the continuance of this public felicity, or rather, who that does not

not wiſh its deſtruction, would ſtake all upon the (at beſt) uncertain event of war? And this from the hope of the more immediate drawing a miſerable pittance of this late ſupply, thro the Exchequer. I call it miſerable, only as compared to the commercial whole, for in any other view, it will be found ample enough to anſwer the purpoſes of raiſing the crown above the dependence upon the people, and thereby make it abſolute, and them ſlaves. To obviate this, the King's friends ſay, that the tax is to be levied by the authority of Parliament, and not of the Crown, as is done in this country; and that the intention is to apply it to the national exigencies, that is, towards lightening the burdens of the people.—That this will be done, we can have no ſort of doubt, when we conſider the enormous penſions granted to Governors Bernard, Hutchinſon, Sir John Blaquire, and that eighteen hundred pounds per annum were given to purchaſe Mr. Jenkinſon the patent place of Clerk of the Pells, in Ireland; theſe, it will be ſaid, are ſtrange ſignifications of the Royal intention to lighten the burdens of the people; as alſo are the penſions, and newly created places, granted to buffoons, fidlers and gamblers, through the recommendation of that moſt capital, and miſchievous of all buffoons, the ſcandalous

filcher

filcher of the immortal Wolfe's reputation, afterwards Lord Lieutenant of Ireland.—If to thoſe are added the freſh grants to Sir John Blaquire, the variety of burthenſome, and before unheard-of officers *without* offices, a ſtrange creation unknown to all governments, ſave this œconomical one; as alſo the multiplication of taxes in Ireland, the continuance of all the war taxes in time of peace in England, with the expenditure of five hundred thouſand pounds over and above what the Crown confeſſed to be an ample proviſion for the ſupport of its dignity: and this without deigning, or rather fearing to give an account of the manner of its being laid out. —Wherefore I aſk, if thoſe are what we are to underſtand to be the court mode of lightening the burdens of the people, together with the miſapplication of near one million and a half of the ſinking fund, which originally was intended and appropriated for the diſcharge of the national debt.—Why was not either Guadaloupe, Martinique, or the Havanna retained upon the laſt peace? Why was a great part of the fiſhery upon our American coaſt given up to the French by the ſame treaty? Was all this done to eaſe the burdens of the people, by diſabling them to pay the taxes; or was it done to eaſe their pockets of their money, by putting them to the

expence

expence of thoſe conqueſts, and by after ceſſions depriving them of the means of reimburſement? —But all thoſe ſeeming contrarieties are eaſily reconciled, when it is conſidered that a rich, opulent, and high-ſpirited people are always dangerous when they conceive themſelves injured.

Wherefore this ſpirit muſt be broken; two principle modes offer themſelves,—The one, a further and great extenſion of taxes, ſo as to exhauſt the riches of individuals, and draw off the profits of the moſt flouriſhing trade;—The other, to deſtroy that trade. This laſt, though ſeemingly the moſt dangerous, is notwithſtanding much the ſafeſt, becauſe it is a villainy of that enormous magnitude, that till it has happened, it will not be believed to have been intended, and conſequently guarded againſt. Whereas the other, ſtriking by little and little, when it approaches the quick, it may ſtimulate a timely exertion to repel any further progreſs, and thereby diſſapoint the intention; wherefore the deſtruction of the trade will be the moſt certain of the two modes, and alſo the moſt expeditious. —No ſmall inducement to a man who wiſhes to uſe the work of his own hands.

But

But how can this be done without the conſent, or ſufferance of the people at large? And who will be mad or fooliſh enough to ſuppoſe that they will conſent, or ſuffer an act which muſt finally rob them of their properties and liberties? I anſwer, no body, *under the idea* of the people's thinking it would have ſuch an effect. But when they are made to believe that their ſecurity, wealth, and growing trade, which were gained by one mode, i. e. *encouragement*, can only be preſerved by another, i. e. *taxation*, they will naturally fall into this other, though ever ſo novel * and foreign to the wiſdom of their former rich experience. Now if this ſhould fail through a ſucceſful reſiſtance againſt the whole force of the nation, it muſt be evident, that the national will, muſt have gone with this force, otherwiſe it could not have been ſo fully exerted; wherefore, the people who reſiſted, if they ſhould conceive that they are unjuſtly attacked, muſt look

* Governor Bernard ſpeaking of the Stamp Act in one of his diſpatches of November, 1765, ſays, that "it muſt "have been ſuppoſed, *ſuch an* INNOVATION *as a Parliamentary* "*taxation*, would *cauſe* a great *alarm*, and meet with *much* "*oppoſition* in *moſt* parts of America; *it was quite new* to the "people, *and had no viſible* bounds ſet to it." Again he ſays, "was this a time to introduce ſo *great a novelty* as a "Parliamentary inland taxation in America?"

look upon thoſe who attacked them as their worſt enemies, and conſequently will take every precaution their wiſdom ſuggeſts, to weaken and diſtreſs a people, whom they ſay endeavoured to deſtroy them, becauſe they would not become their ſlaves. This, ſay they, their future ſafety will require; wherefore they muſt bring into their views, or ſubdue the Canadians, the few inhabitants of Nova Scotia, and the Floridas, which by them will hardly deſerve the appellation of conqueſts. Thoſe parts reduced, the Weſt-India trade muſt fall, either by famine, or a removal of the inhabitants; and with that the African, which hath already received a very ſevere blow by the loſs of Virginia, the Carolinas, and Georgia.* Thus half the trade of Great Britain being annihilated, half the manufacturers muſt ſtarve or

* This has been felt at Liverpool (ſee the accounts of beginning of September) where the ſtoppages of trade have occaſioned the laying up of ſeveral ſhips, the diſcharge of many ſeamen, and conſequent lowering the wages of the reſt; all which brought on a moſt alarming inſurrection of that once uſeful body of people. However it is *for the preſent* ſuppreſſed, not by complying with their reaſonable demands for accuſtomed allowances, but by terrifying them with the ſlaughter of ſome of their comrades, by a detachment of ſoldiers, who were ordered to fire amongſt them.

emigrate to foreign parts, if they are not diſpoſed of and ſlaughtered in the army in America. Lewis XIV. upon the cloſe of one of his bloodieſt wars, wanting recruits very much to fill up the loſſes in his army, but finding his ſubjects, from a diſlike to the ſervice, would not enliſt, had no ſcheme left, but a moſt extraordinary one of compulſion, which was ſtarving them into his army, by monopolizing all the corn of France, and retailing it only to the ſoldiery, until all the levies were made. This was one dreadful effect of an arbitrary government.

It is ſaid, that when a noble Lord repreſented the ruin which muſt fall upon our manufacturers, in conſequence of the preſent meaſures, a Great Perſonge, with a humanity peculiar to himſelf, made anſwer, "*let them enliſt for ſol-*
"*diers, and then they will not ſtarve.*"

But ſhould our manufacturers not be diſpoſed of in this manner, they will moſt probably go to the Americans, who will give them freeholds, and thereby ſo encreaſe their yeomanry, that the united power of Europe could with difficulty injure them, whilſt ruin muſt fall upon us who remain behind without trade, without uſeful and induſtrious people, with a debt of one hundred and forty odd millions, an heavy civil eſtabliſhment

eſtabliſhment of eight hundred thouſand pounds per ann. which, it ſeems, is to be encreaſed to the enormous ſum of one million. Another inſtance of the mode of lightening our burdens, as the taxes muſt be proportionably encreaſed; as well to defray this, as to ſupply the deficiencies occaſioned by the loſs of trade; and alſo to diſcharge the annual expence of carrying on a moſt dangerous war againſt our fellow-ſubjects three thouſand miles from home; ſo that the current out goings of theſe calamitous times cannot be ſhort of fifteen millions, allowing for advantages taken by money lenders. To defray this, ſuppoſing we were not to ſuffer in our trade, the taxes muſt be nearly doubled. But when we conſider the conſequences of the facts proved before the Houſe of Commons, we muſt, however melancholy the idea, admit that the trade, and therefore the abilities of the nation, will be leſſened near one half; the taxes, on the other hand, encreaſed almoſt to the double. Hence the real annual expence of this war, together with the current expences of the nation, muſt fall upon the people in near a four-fold manner, and ſtand thus—Loſs of trade ſeven million, ſupplies fifteen—in the whole twenty-two millions; to defray fifteen of which we ſhall be left aggregately and indi-

vidually one half of what we poſſeſſed at the commencement of this cruel and unnatural war. How long this nation will be able to ſupport itſelf under this enormous load, I fear to ſay ——Suppoſe three years with deſtructive vigour; I call it deſtructive, becauſe all the powers of the people will be called forth and expended, ſo that the nation, or body politic, being left lifeleſs and inanimate, like the natural body after its convulſive ſtruggles againſt death, like that too muſt become the prey of inſects, though of a different ſpecies. But before it comes to this, what a variety of public and private diſtreſſes will every where be preſented,—fathers, ſons, and brothers, murdering and butchering each other; others taken off by ſhipwreck, famine, and plagues, the uſual and never-failing concomitants of ſuch wars. Hence a general mourning of the ſoul (not the faſhionable trappings of thoſe courtly times, which levels all diſtinctions of perſons and cauſes, the ſaint or the Devil with royal blood, alike, blacking every body in this polite country, almoſt from the ſhoe-black to his Grace.) But to compleat the ſcene, by filling up the meaſure of our woe, miſeries of a more ſevere kind, becauſe more laſting, are to be added—I mean public and private bankruptcies, which muſt

muſt involve in one ruin, all thoſe whoſe properties are in the funds, in national and private banks, trade, and the mortgagers of land. As to eſtates in houſes they will ſcarcely be of any value, as many of them, for want of inhabitants, muſt fall to the ground.

Now that ſuch bankruptcies and conſequent evils muſt happen, will be evident from the conſideration of what went before, becauſe a loſs of trade muſt occaſion a great ſcarcity of money, with a great and general want of credit. And as the 140 odd millions public funds exiſt by credit alone, i.e. upon the faith of Parliament, there not being one ſhilling of it ſecured upon lands, houſes, ſhipping, goods, money, or bullion, the inſtant this credit is touched, the whole muſt vaniſh into air; for though an act of Parliament may lay a mighty empire in ruins, it cannot coin a ſingle guinea without gold to work upon. But where will gold be had, when the trade which always did, and only can bring it, is deſtroyed? And as this trade furniſhed the ſupplies, they muſt neceſſarily fall with it. Hence an abſolute impoſſibility of paying the dividends, as in a ſhort time there will be nothing to pay them with. This muſt ruin the Bank of England, its property being principally in the funds; therefore

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it will not be able to pay off its own dividends, or even bills, the latter infinitely exceeding the caſh in hand. Hence the ſtoppage of their currency, as no body will give what is valuable,—for that which has no value. All the other companies and banks depending upon the ſtocks, national, bank and public credit, will ſhare the common and mighty ruin that finally muſt fall upon the deluded people.

All which conſequences, I preſume, Lord Hillſborough revolved in his mind, upon his writing a circular letter to the American Governors in May 1769, upon the repeal of ſome duties laid in 1767. His Lordſhip wrote as Secretary of State, with the approbation of the reſt of the Miniſtry. His ſentiments then being the ſentiments of government, we ſhall find them in direct conformity with our concluſion. His words are, " that the repeal was made in order to regain the confidence and affection of the American colonies, on which the *glory and ſafety* of the Britiſh empire depend."

Now with reſpect to the modes of lightening the taxes of a great nation there are but two,—the one a real œconomy on the part of government, that will lop off, *inſtead of augmenting*, all uſeleſs places and works; *as alſo* all exorbitant and unmerited penſions, and grants of money,

money, whether to members of Parliament, or an *individual*, to be placed in foreign funds, either to ſatisfy motives of avarice, or expected exigencies.——Thoſe ſavings would be immenſe.

The other mode of eaſing the people is, by encreaſing their ability to pay. This can only be done by extending a profitable commerce, and thereby encreaſing the manufactures and manufacturers throughout the realm: Hence an augmentation of induſtrious and rich people. Wherefore ſuppoſing the taxes to be the ſame, they muſt be felt in like manner, as the ſame weight is by a child when five years old, and when grown to the vigour of manhood. At the firſt period he almoſt ſinks under it, at the laſt it is but a feather. All other modes, however ſanctified by legiſlative ordinances, muſt bring deſtruction upon the people who may unhappily adopt them. Witneſs the Romans, whoſe provincial taxes were all uſed to bribe and corrupt the people to ſuch a degree, that being fed at what was then called the public expence, i. e. the expence of the dependencies, —they fell into ſloth,—they became poor;—they neglected agriculture and war, their former ſupports;—they became cowards,—they became

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ſlaves, and their poſterity, at this day, are the moſt miſerable of all miſerable wretches.

Spain furniſhes us with another more recent and familiar inſtance. That nation, once the terror of the world, has been daily and hourly declining, from the moment of her having drawn, by exactions, the wealth of the South Weſtern provinces of America. Nor could it be otherwiſe: corruption and ſloth being inſeparable attendants upon wealth that is acquired by any other medium than honeſt induſtry: the latter being an exerciſe of virtue that ſtrengthens the national habit, at the ſame time that it gradually encreaſes the riches of the individual: Whereas, the mode by *foreign exaction*, bringing in money without the labour of the people at home, and being the great ſupport of government, it neceſſarily muſt hold the firſt place in the eſtimation of the Governors; therefore with them all other intereſts will become vile and ſubſervient to this; the labour of the people will not be ſo much wanted, conſequently not ſo much exerted: Hence idleneſs and ſloth, which muſt produce poverty and wretchedneſs. Thus government holding its ſupplies, and the people loſing theirs, muſt neceſſarily become richer than them, and in the end ſole proprietor of all the

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property, and in courſe, power of the nation: Hence the unavoidable and abſolute ſlavery of the people.—And ſo it has happened in Spain, who is ſo fallen that her ſoldiers have loſt their courage, her Generals their conduct, and in the room of all her former bleſſings, there is ſubſtituted—a ſacred tyrant, poverty, ſlavery, and an impotent inſolence of pride, which precipitates her into pernicious exertions of her ſhadowy ſtrength.

That the preſent military exertions of George III. have not yet turned out otherwiſe, muſt be evident from the defeat of ten companies of grenadiers, and ten of light infantry, being the flower of the Royal army, under Col. Smith, at Concord; and their ſubſequent defeat when reinforced by three battalions under Lord Percy, at Lexington, the whole forming a body of 1912 men, being four battalions and four companies, at 470 to a battalion, if compleat, officers included, who were purſued and harraſſed for fifteen miles, till they got under the cover of the men of war. The troops who defeated them, were what in our reviews, and upon our parades, we ſhould call raw recruits, whoſe numbers, by every information that was collected, were inferior to thoſe whom they routed; and yet the officers I have mentioned as com-

manding the regulars, are men of known bravery. Lord Percy I had the honour of being intimately acquainted with, and know that in his labours with the fifth regiment, of which he is Colonel, he was indefatigable. At Charles-Town, half his regiment was killed and wounded. As to Colonel Smith, he is a very old, experienced, and well-known officer.—The bravery of the Britiſh troops have ſtood the teſt of ages.

——A queſtion naturally ariſes here.—How came this knowledge, experience, and bravery to be worſted? The anſwer is obvious—the one fights for 3s. 5d. per week,—the other thinks he fights pro aris & focis, for his altar and fire ſide:—his religion, his wife, his children, his houſe, his property and liberty; motives againſt which human nature can bring none ſo powerful, becauſe none ſo intereſting: And as man under the influence of his paſſions, is but a machine, whoſe momentum muſt neceſſarily increaſe with the force which ſets it in motion; it is evident that the American, who is ſtimulated by all the motives we have mentioned, muſt, from a phyſical neceſſity, be a man of a more perſevering courage and ſpirit, than the ſoldier who only fights for what he is

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ſure to have if he ſurvives, whether he is, or is not defeated.

——Hence ſo long as the American troops continue to think that their all depends upon their courage and conduct, ſo long muſt they be more deliberately and perſeveringly braver than the ſtanding army that is oppoſed to them. And ſo the event has hitherto proved. As alſo the ſtand made at Charles-Town by 1500 Provincials, commanded by a Phyſician, Dr. Warren, againſt eight battalions, of eight companies each, and twenty companies of grenadiers and light infantry, which, if compleat, made a body of 3948 men, officers included, excluſive of artillery, together with the aſſiſtance of the men of war; the whole under the command of as brave an officer as ever led troops to action, I mean Major General Howe, who loſt, in killed and wounded, 92 officers, and 1000 non-commiſſioned officers and private men, in forcing the Provincials to retire to a neighbouring hill—although they had but an ill-conſtructed, unfiniſhed redoubt of five pieces of cannon, made without faſcines, pickets, or even the earth beat down; yet ſuch was the defence from behind the trenches, that if the town upon the right had not been ſet on fire, as the Gazette ſays, in a critical minute, which

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gave the regulars an opportunity of entering at that ſide, they probably never would have been forced or turned; for ſo many of the aſſailants were killed and wounded, that their army was quite crippled.—Nay, it is ſaid, that before this firing of the town, the reſolution of the Provincials was ſo great, as to put the regulars into ſuch diſorder, that General Howe was, at a particular time, abandoned in the field, having none about him but his Aid de Camps, ſome of whom were killed, others wounded, on each ſide of him. One of the regiments which firſt gave way has been ſpoken of with great ſeverity, as that it ought to be broke or incorporated into other regiments, and that it was intended to be done; but if it was diſordered by an exceſſive weight of fire, and afterwards rallied and behaved with firmneſs, which I have heard they did, I think it ought to wipe off the firſt misfortune, and the more particularly, when it is conſidered that a ſpirit of mutiny was encouraged in this very regiment, by a Lieutenant General, (whom I have characterized under the appellation of a miſchievous buffoon) in order to make vacancies to be filled through his recommendation.

But to return to the action and take an impartial view, it muſt appear that the ſucceſs

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of the King's troops turned upon the burning of the town, which they ſet on fire at a critical moment. This furniſhed an opportunity of turning the trenches, by entering at their unfiniſhed redoubt; which being done, the affair was all over;—becauſe the troops in the trenches are always thinly formed; conſequently, when their flanks are expoſed and cloſely attacked, as muſt be the caſe when trenches are entered, particularly in this manner, they cannot form with bayonets at their breaſts; therefore they have nothing for it, but to make the beſt retreat they can, it being well known that trenches once entered, are ſcarcely ever recovered. But had the Provincials had time to have thrown up works to retire behind, upon an emergency of this kind, which ſhould have have been provided againſt, it is evident the attack muſt have failed;—or had they attacked and come down upon the regulars the inſtant they repulſed them, and drove them away in ſuch confuſion, they muſt have cut them in pieces, or forced them with prodigious loſs on board their boats.—Or had a communication been preſerved between them and their camp, ſo as that they could have been ſeaſonably ſupported, which according to the moſt ſimple and obvious rules of war ſhould have been done, it muſt

appear

appear that a reinforcement of two thouſand freſh troops, falling upon an army already ſo weakened by loſſes, and debilitated by fatigue, they muſt have cut off or taken priſoners, the whole detachment, and thereby obliged General Gage, with his remaining little army, to ſurrender, or abandon Boſton and go on board the fleet.—This would have been a ſtroke indeed.

Here a certain queſtion will not be improper. Was it politic to diſoblige ſo active, experienced, and knowing an officer as Major Lee, for a company in the guards, which was promiſed to him? May not he, as Major General of the Provincials, do more harm to the King's cauſe, than all his Tory friends will do it good? Are theſe times to make enemies of men of abilities, when all is at ſtake, and conſequently their abilities, like a two-edged ſword, will ſerve either way? Suppoſe this officer had commanded the next camp to Charles-Town, and that he had conſidered the laſt as an out poſt, either occaſionaly to watch, annoy, or draw a detachment of thoſe, whom he might have looked upon to be enemies, out of their ſtrong camp, in order to falien upon them with advantage (which moſt probably would have been his idea) therefore he would have been always ready to have ſupported this

poſt,

poſt, according to exigencies.——The conſequence of which muſt have been fatal to the whole of the Royal army.

But to return to loſſes by the late military exertions.—We muſt not omit Crown Point and Ticonderago, with twelve intire provinces, the moſt opulent in the world: to all which muſt be added the preſent inglorious blockade of the Royal army in and before Boſton; an infamy unprecedented in the annals of Great Britain. The half of this army, it was ſaid in the Houſe of Commons, would be more than ſufficient to reduce America; as the *King's friends* ſaid, both there, and in the Houſe of Lords, that the Americans dare not fight, therefore the troops were to act by detachment.—Such was the opinion of our rulers, and the orders were agreeable to it.—The event we have ſeen to be moſt calamitous. Now what can be ſaid in exculpation of miniſters, who have ſhewn themſelves ſo groſsly ignorant of every thing they ſhould be well acquainted with? If they ſay they were mis-informed: we reply, that their ignorance is but pretended, being wickedly wilful, as muſt appear by their daily loading Bernard, Hutchinſon, &c. &c. who are the informants, with places, penſions, and honors.

To

To the loſſes above mentioned we muſt add the preſent ſickly ſtate of the army, proceeding from almoſt inceſſant duty—hard and cold laying upon the bare ground, having no ſtraw for their beds; and ſalt proviſions; all of which cauſes have brought on a dreadful and encreaſing flux, that ſweeps away more men than even the cannon and muſquetry of the Provincials. And if we conſider the nature of this diſorder, we muſt know, that by long continuance, it changes from bad to worſe, till, through a great inveteracy, it becomes contagious, and ſo taints the air. This ſtage of it, in effect, and actually is a plague. Now what probability is there of removing it?—Is it the continuance of the cauſes that produced it, or the increaſe of the firſt, viz. ſevere duty, which muſt inevitably be the caſe, to a moſt calamitous degree of diſtreſs; for as the time is approaching, when no recruits or reinforcement can be ſent out, the numbers fit for duty at Boſton muſt daily, if not hourly decreaſe, by ſickneſs and death: Proportionably then to this loſs, muſt be the increaſed duty of thoſe who remain.—A new, ſuperadded, and growing evil, that in its turn will produce others, through exceſs of fatigue, viz. ſickneſs and death.—If to all this we add their being cloſely blockaded by a vigilant,

gilant, active, and reſolute army, whoſe trenches, lined with five and twenty thouſand men, are fortified with redoubts, redans, &c. and extend fifteen miles from the Eaſt of Dorcheſter, to the North of Cambridge, with other lines to ſupport thoſe—therefore as the intention of making theſe lines was to diſtreſs the Royaliſts—we muſt ſuppoſe that as they have ſuch an abundance of men, they will, by repeated feint, and ſome real attacks, endeavour to keep the whole of the King's army upon continual duty; this muſt ſo weaken them, as in a ſhort time to render the major part of them unfit for ſervice; conſequently many works muſt be abandoned for want of ſoldiers to defend them; which being known by the Provincials, they will threaten on all ſides, and finding ſome defenceleſs—will in them ſucceed.—Thus the deſtruction of the preſent army of Britiſh ſoldiers under General Gage at Boſton, appears to me inevitable.——Here a man, whoſe very early and happieſt days have been ſpent in the camp, may be allowed to drop a tear over the preſent diſtreſs, and at the impending ruin of ten thouſand of his once brother ſoldiers.

Dreadful as the above event is, it is not unexpected by our managers, who have ſent in-

ſtructions to General Gage to call a Council of War, to conſiſt of the general officers of the army, and the Admiral and chief officers of the navy, to conſider what ſhall be done with the troops, whether to reimbark them, and land in Rhode, or Long Iſland, where, in the ſpring, they are to be reinforced with twenty thouſand men.

Now how General Gage will be able to accompliſh this re-embarkation, without the loſs of near one fourth of his army, and almoſt the whole of his artillery, is a matter to be conſidered: The Provincials being within ſight, we muſt ſuppoſe they will not neglect *a moment* ſo favourable to their cauſe. If the artillery ſhould be firſt withdrawn the works will be defenceleſs, therefore the Provincials will immediately attack, and over-power, by their numbers, the army at Boſton.—Hence one promiſcuous and bloody carnage of the whole.

If on the other hand he ſhould leave the artillery upon the works in order to cover the re-embarkation, he muſt leave a numerous rear guard, as well to make a ſhew of force in order to intimidate the Provincials from interrupting the retreat of the main body, as alſo to be ſtrong enough to defend thoſe works ſhould they be attacked. This latter diſpoſition may ſave the

principal

principrl part of the army, but what is to become of the rear guard and artillery? for the inſtant they quit the redoubts, lines, and baſtions (as to preſerving the cannon the idea muſt be abandoned) the Americans will pour in upon them, and cut them all off.—Thus the whole army muſt be deſtroyed, or the rear guard and almoſt all the artillery loſt. A miſerable, but unavoidable alternative of thoſe modes.

There are two others: the firſt is a reconciliation; but as our managers will not adopt this, unleſs the Americans ſubmit to be ſlaves, we will conſider the remaining mode—it is, to enter into a regular capitulation with the Provincials—that the town of Boſton, and the works ſhall be ſurrendered, without preſent or future injury, during the war and preſent diſagreement between the colonies and the Crown and Parliament—provided General Gage and the Royal army are permitted to re-embark without interruption or moleſtation, together with all the artillery, ammunition, ſtores, and proviſions. Theſe are humiliating terms to be ſure, for an army that our managers ſaid "was to drive thoſe cowardly Provincials into the lakes, or over the Apalachians;" but tempora mutantur, the times are changed, and the Royaliſts driven into the ſea.—Sad tidings for the heroes of our

Court majority, whoſe great revenge, *upon parliamentary ground*, had ſtomachs for all the poor Yankees.

It remains now to be conſidered, whether the new idea of landing, in the ſpring, 25,000 men at New-York, will have any other effect than the 12,000 had at Boſton.—I think the final event will be the ſame, but the means that bring it about more bloody and calamitous;—becauſe the numbers and field of action will be greater. How can it be conceived, after one province, and that ſuppoſed to be the moſt daſtardly, had deſtroyed an army of 12,000 regulars, with raw, haſtily raiſed, undiſciplined peaſants—that 25,000 ſhould conquer twelve provinces, whoſe troops, including the conquering, will be well trained, and, fluſhed with the victories of the latter, as well as emulous to equal, if not rival them; more particularly as thoſe provinces, taking every ninth perſon, an eaſy levy, can arm 300,000 men, whoſe hearts are as brave as our own.—What then, but the wildeſt imagination can ſuppoſe, that 25,000 or 50,000 troops, will ſubdue twelve times the number of the firſt, and ſix times that of the laſt.—The idea ceaſes to be ridiculous, becauſe it is ruinous.—King William, whom even Doctor Shebbeare will allow to have been a brave, experienced officer,

was

was four years reducing the rebellious Papiſts in Ireland, though he was aſſiſted by that great General the Marſhal Duke of Schomberg, with an army of 30,000 infantry, and 8,000 cavalry, with a great part of that kingdom in his hands, and ſupported by every Proteſtant in it, particularly the Diſſenters—one ground of the Doctor's hatred—yet the King's ſucceſs in ſo ſhort a time, was looked upon as wonderfully fortunate.

The Engliſh army was ſupplied from England, otherwiſe they muſt have all periſhed; and as it was, they ſuffered prodigiouſly by frequent interruptions. Their coming depending ſo much upon the wind and weather, as well as upon the poſts and vigilance of the enemy, who often intercepted their convoys, and ſo cut off the ſupplies.—Now ſuppoſe Ireland, inſtead of 60, had been 3,000 miles from England, muſt not all the above hazards, difficulties, and wants have been proportionably increaſed; ſo that the ſucceſs which at the firſt diſtance was accounted almoſt miraculous, at the laſt, ſhould not be expected but by fools and madmen.—The twelve provinces to be ſubdued are 1000 and more leagues from England, their inhabitants wonderfully unanimous againſt the preſent meaſures, and the whole of their continent (being at leaſt twelve

twelve times greater than that poſſeſſed by the Iriſh rebels) ſave about four miles in circumference, is in their own hands. Here then are new and mighty difficulties.—Cannot they, and the impending calamitous conſequences of the whole war be avoided?—They can.—How?—By repealing the diſputed acts, and giving up the late parliamentary claim of taxation.

If the preſent miniſters will effect this, and reſcind the reſolution upon the Middleſex election, they will meet the hearty concurrence of all honeſt men, and the great Whig leaders will give up all perſonal hopes of emolument, to the more generous deſires of averting the public ruin.

This muſt be evident from that healing, conciliatory bill, preſented to the Houſe of Lords, by a nobleman who had once before not only ſaved his country from ruin, but raiſed her to a height of glory and power, at once the wonder and terror of the world. This bill of the Earl of Chatham was ſupported by the other great Whig Lords, who now compoſe the Minority in the Houſe of Lords; amongſt whom Lord Camden, late Lord High Chancellor of England, a nobleman whoſe virtues, like a glory, illumined the High Court he preſided in, not only ſupported this patriotic meaſure, but upon

all

all queſtions of government, with the whole of his great abilities, aſſiſted the miniſtry, and even endeavoured to lure them into the true intereſts of their country.—As alſo did the Duke of Richmond with his uſual ſpirit and good underſtanding. And in the Houſe of Commons, Mr. Burke, who in his own, ſpoke the ſentiments of the Rockingham and Shélburne parties, propoſed reſolutions that went to the matter of the above bill. He was ſupported by all the intereſt of the great leaders alluded to, and by all the Whigs of the Lower Houſe. Nothing ſure could be more praiſe-worthy, nothing more generous, than this conduct of the Minority; thus nobly to ſtep forward, and with a greatneſs of ſpirit peculiar to men, whoſe firſt object is their country, lay aſide all perſonal conſiderations, to plan and adviſe a meaſure to be executed by their Tory adverſaries, that would have been ſo ſaluatry in its conſequences, that it muſt have removed the preſent odium with which they are ſo juſtly loaded; and by reſtoring the empire to its former tranquillity, happineſs, and glory, leave the miniſters and party by whom they have been ill treated, in the ſecure poſſeſſion (to the excluſion of themſelves) of all the offices and employments of the ſtate.

It

It now only remains to be conſidered what part our natural enemies, France and Spain, will take in this unnatural war—the firſt, I ſuppoſe, has not forgot our having ſupported two rebellions in her very bowels, and alſo the mighty defeats of French armies, and dreadful ſlaughter of French men, by an Engliſh General, the immortal John Duke of Marlborough, thereby preventing Lewis the XIVth from over-running the continent, and eſtabliſhing an univerſal empire. It muſt be confeſſed indeed, that the domeſtic enemies of England's glory, and England's liberties—the Engliſh Tories, by diſgracing the Duke of Marlborough—by ſeparating the Engliſh from the allied army, and by the infamous and pernicious ceſſions at Utrecht, did all in their power to win the GOOD GRACES of the French monarch.—But to deſcend to our own times. Though we may ſuppoſe that France will forgive us the open, manly, glorious, and wonderfully ſucceſsful exertion of Britiſh arms, under the auſpices of that FIRST, and, I fear,——LAST of Engliſhmen, the EARL OF CHATHAM—it is not ſafe for us to believe that ſhe has forgotten, or will not make repriſals, for the ſeizing, as ſhe ſays, in times of peace, moſt of her merchant ſhips which were

private

private property—for to this hour all Frenchmen term it an act of the blackeſt piracy.

As to Spain, ſhe remembers our effectual ſupport of ſeven of her revolted provinces in the low countries;—our endeavouring, after the death of her Charles the IId. to dethrone the King of her choice, and to impoſe another upon her;—our laying waſte her moſt fertile provinces with fire and ſword, in order to effect this, as well as to aid and aſſiſt thoſe, whom, in our preſent Court language, we muſt call the rebellious Catalonians, and others.—She alſo remembers her diſgraces the laſt war, as to her loſſes—Britiſh Tories, *as uſual*, took care that ſhe ſhould have no cauſe to remember them. From all which we muſt conclude, that at firſt thoſe powers will give the American Engliſh all the private ſupport they can; and as ſoon as they find that the former, upon feeling themſelves preſſed with the laſt neceſſity, in order, as they think, to avert it, ſhall declare themſelves independent ſtates, and invite all the powers of Europe, *ſave this*, to partipate the benefits of their trade.—Then, when our empire is diſmembered, ourſelves diſunited and diſſatisfied, our burdens inſufferable, our reſources none, they will fall upon us: and

after deluging our fair iſle with its beſt blood—Briton, I fear, will become a province to France.

Here it will not be impertinent to ſhew the judgment of England in the reigns of Elizabeth, James the Iſt. Charles the Iſt. and Queen Ann—upon civil wars; and which ſide this nation deemed to be rebels.

Philip the IId. of Spain perſecuted all his ſubjects of the reformed religion in the Low Countries, which occaſioned their revolt. He alſo introduced the Inquiſition, and augmented the numbers of the Biſhops from four to fourteen, which occaſioned a riſing amongſt the Roman Catholics.—What part did England take?——Her Queen Elizabeth firſt gave the oppreſſed ſubjects all the aſſiſtance ſhe could,—the Parliament did the ſame, and the whole body of the clergy aſſembled did as much.——Here then is a full and free judgment of all the eſtates of the realm of England manifeſted by actions and ſupport,—that the ſubjects who then reſiſted their legiſlative power, were not rebels, but innocent and oppreſſed people meriting commiſeration and ſupport.

——James the Iſt. was ſupported by England and Scotland in the aſſiſtance he gave the Prince Palatine,

Palatine, who was injured by his ſuperior Lord —the Emperor.

——Charles the Iſt. ſupported the Rochellers againſt their legiſlature.

——Queen Ann did the ſame by the Catalonians in Spain, and the poor people of the Cevennes in France, the latter being perſecuted by the cruel domination of Lewis the XIVth.

Theſe and numberleſs other inſtances are all authorities againſt the doctrine of unlimited non-reſiſtance: and evidently ſhew, that thoſe who reſiſted were innocent; and *thoſe* who forced them to reſiſt were——*Traitors* and *Rebels*.

F I N I S.